

**1. ESMERALDA LONDONO WHITTLE**  
**(Applicant)**

**05-9-CZ14-6 (05-63)**  
**BCC/District 9**  
**Hearing Date: 1/26/06**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
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NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP**

**6**

APPLICANT'S NAME: ESMERALDA LONDONO WHITTLE

REPRESENTATIVE: **APPLICANT**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
05-9-CZ14-6 (05-63)	SEPTEMBER 6, 2005	CZAB14		05

**REQ:** (1) UU dog kennel. (2) Lot area 2 ac. (3) Acc. Bldg. front setback 30.5' dual front lot & 7' from side st. (4) Spacing 11' btwn acc structures. (5) Acc. uses front of principal structure on dual front lot.

**REC:** DWOP

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>OCT. 17, 2005</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input type="checkbox"/>		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			<b>X</b>
MR.	<b>M</b>	Wilbur B. BELL	<b>X</b>		
MS.	<b>S</b>	Dawn Lee BLAKESLEE	<b>X</b>		
MS.		Rose L. EVANS-COLEMAN	<b>X</b>		
MR.		Don JONES	<b>X</b>		
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			<b>X</b>
MADAME CHAIRPERSON		DR. Pat WADE	<b>X</b>		
VOTE:			<b>5</b>	<b>0</b>	

EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: RON BERNSTEIN

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Esmeralda Londono Whittle

**PH:** Z05-063 (05-9-CZ14-6)

**SECTION:** 26-55-38

**DATE:** January 26, 2006

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 1

**A. INTRODUCTION**

**o REQUESTS:**

The Director of The Department of Planning and Zoning is appealing the decision of the Community Zoning Appeals Board #14 which approved the following:

- (1) UNUSUAL USE to permit a dog kennel.
- (2) Applicant is requesting to permit the kennel use with a lot area of 2 acres (5 acres required).
- (3) Applicant is requesting to permit an accessory building setback a minimum of 7' from the side street (west) property line (30' required).
- (4) Applicant is requesting to permit a minimum spacing of 11' between accessory structures (20' required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 (inclusive) may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Detail of Dogs Kennels" dated 3/4/05 and "Cage Detail," dated stamped received 5/16/05 as prepared by Esmeralda Whittle and a survey as prepared by Jose Perez, dated 4/28/05. Plans may be modified at public hearing.

**o SUMMARY OF REQUESTS:**

The applicant requested and was granted an unusual use to permit a dog kennel on a GU lot with an area of 2 acres. In addition, requests to permit said kennel with a lesser side street setback than required and to permit accessory structures spaced less than required from each other were also granted. The Director of the Department of Planning and Zoning is appealing these approvals.

**o LOCATION:**

18990 SW 152 Street, Miami-Dade County, Florida.

**o SIZE: 2 acres**

o **IMPACT:**

Approval of this application allows the applicant the maintenance and continued use of a dog kennel on a non-conforming, GU-zoned parcel of land. The lesser setback and spacing requests could visually and aurally impact the surrounding area.

**B. ZONING HEARINGS HISTORY:** None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being two and one-half (2.5) miles west of and outside of the Urban Development Boundary for **Open Land**.

**Open Land**

The land designated as "Open Land" is not needed for urban uses between now and the year 2005 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions.

Also included in some Open Land areas are some existing year-round agricultural activities, and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of Sections 33-196, 33-280, and 33-280.1 of the Miami-Dade County Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Land Use Policy 5D, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.

Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential

densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area. The map titled "Open Land Subareas" (Figure 4) and the following text indicate the boundaries between Open Land Subareas.

**Open Land Subarea 4 (East Everglades Residential Areas).**

This subarea is bounded on the north, west and southwest by Environmental Protection Subarea B, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are seasonal agriculture and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County) and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area.

**Seasonal Agriculture**

Seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months of May through October on land that is, or has been bedded or filled to an elevation at or above Dade County flood criteria, and given that no additional off-site drainage will occur. (pg. I-50 of Comprehensive Development Master Plan)

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:**

GU (trended AU); single-family residence and dog kennel                      Open Land Subarea 4

**Surrounding Properties:**

**NORTH:** GU; vacant    Open Land Subarea 4

**SOUTH:** GU; vacant    Open Land Subarea 4

**EAST:** GU; vacant    Open Land Subarea 4

**WEST:** GU; grove/orchard    Open Land Subarea 4

The subject parcel is located at 18990 SW 152 Street. Building permit plans indicate that the applicant's single-family residence on this 2-acre site was permitted in 1979. Vacant parcels characterize the area where the subject property lies. A grove/orchard and residence are located to the west.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(site plan provided)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>Unacceptable</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>N/A</b>
Parking Layout/Circulation:	<b>N/A</b>
Visibility/Visual Screening:	<b>N/A</b>
Energy Considerations:	<b>N/A</b>
Roof Installations:	<b>N/A</b>
Service Areas:	<b>N/A</b>
Signage:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3) Special Exceptions, Unusual and New Uses**

The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations**

Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard**

Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**Sec. 33B-25. Authorized uses.**

**(A) Management Area 1:**

*(1) Permitted uses:*

- (a) Agricultural use, and
- (b) Agricultural support housing at a density of no greater than one (1) unit per forty (4) acres, or
- (c) Single-family detached dwelling units at a density of no greater than one (1) unit per forty (40) acres.

*(2) Conditional uses:*

- (a) Single-family detached dwelling units at a density of no greater than one (1) unit per five (5) acres in that portion of Management Area 1 which had an established residential character as of January 14, 1981, provided that positive drainage flood control facilities are available to protect the area from a one-in-ten-year flood event. This area is defined as all of Sections 14, 21, 22, 23, 27, 28; the south one-half of Section 11 and the south one-half of the north one-half of Section 11; the east one-half of Section 15; the east one-half of Section 16; all land in Section 26 which lies northerly and westerly of Levee L-31-N; the east one-half of the east one-half of Section 29; all within Township 55 South and Range 38 East.
- (b) Residential dwelling units at a density of no greater than one (1) dwelling unit per twenty (20) acres, provided that:
  - 1. The dwelling unit is ancillary to an established agricultural operation involving less than forty (40) acres, and
  - 2. Occupancy of the dwelling is limited to the owner, operator or employees of the established agricultural operation, and
  - 3. The parcel was not in common ownership with any adjacent parcel of land on or after January 14, 1981.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection*</b>
Parks	<b>No objection</b>
MDTA	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>No comment</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

The Director of The Department of Planning and Zoning is appealing the decision of the Community Zoning Appeals Board #14 which approved the application by a vote of 4-1, pursuant to Resolution CZAB14-37-05. The applicant, Esmeralda Londono Whittle, was granted an unusual use to permit a dog kennel on a non-conforming GU-zoned parcel of land and to permit accessory structures on the site with less setback and spacing than required.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** to this application. Their memorandum indicates that this application does not generate any new additional daily peak hour trips; therefore no vehicle trips have been assigned.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Open Land Subarea 4**. The interpretative text of the CDMP indicates that this subarea is bounded on the north, west and southwest by Environmental Protection Subarea B, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are seasonal agriculture, rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County), and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area. Further, seasonal agriculture is defined in the Master Plan as those agricultural activities which occur during the months of November through April on land at natural elevation, or which occur during the months of May through October on land that is, or has been filled to an elevation at or above Miami-Dade County Flood Criteria.

The applicant's request for an unusual use to permit a dog kennel is not supported by staff. The subject property is zoned GU, Interim District, with an agricultural trend. The agricultural zoning district allows uses such as barns, packing facilities, cattle or stock grazing, farms, nurseries, greenhouses, and wineries. Although this application would allow the applicant to



provide shelter for up to 30 dogs in a rural environment where the noise emanated by the use would not affect a multitude of neighbors, staff does not support this application. The proposed use of a dog kennel in conjunction with a residential use is not consistent with the policies, goals and objectives of the Master Plan. Open Land Subarea 4 allows seasonal agricultural uses to occur in the area where the subject property lies. Staff is of the opinion that the proposed dog kennel consisting of 3 concrete structures housing a total of 30 dog cages is indicative of a commercial activity rather than that of a seasonal agricultural use. The proposed use is overly intensive on this site and will be a nuisance, visually and aurally, to the surrounding area. In staff's opinion, a dog kennel in this area is **inconsistent** with the Master Plan for Open Land Subarea 4 and **incompatible** with the surrounding area that consists of vacant parcels and a grove.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff is of the opinion that the proposed dog kennel would result in excessive noise, and would not be compatible with the area, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with that area and its development. As previously mentioned, the subject property is located in a section of land that is designated as Open Land Subarea 4 in the LUP map where the CDMP allows seasonal agricultural uses and rural residences. The proposed dog kennel would not be in keeping with the aforementioned uses and could set a precedent in the area for approvals of those types of uses. Further, the proposed use would be too intensive for this site and the concentration of 30 dogs will create a noise nuisance to the surrounding area. As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When analyzing requests #2 through #4 under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Requests #2 through #4, to permit the dog kennel use with a lot area of 2 acres, to permit a minimum setback of 7' from the side street (west) property line and to a permit a minimum spacing of 11' between accessory buildings, are not supported by staff. Approval of the dog kennel use on this substandard parcel of land could set a precedent in the area for approvals of similar uses on smaller lots than permitted. Staff is of the opinion that the accessory structures can be relocated to meet zoning district regulations. As such, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(b) (Non-Use Variance Standards).

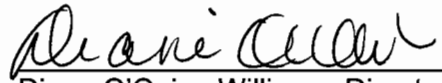
When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, which requires that the applicant prove unnecessary hardship, staff is of the opinion that these requests do not comply with the standards of said section since the property can be utilized in accordance with zoning regulations. As such, the requests cannot be approved under Section 33-311(A)(4)(c) (Alternative Non-Use Variance Standards).

Accordingly, staff recommends approval of the appeal and denial without prejudice of this application.

I. **RECOMMENDATION:** Approval of the Appeal and denial without prejudice of the application.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 03/23/05  
**DATE TYPED:** 07/20/05  
**DATE REVISED:** 08/02/05, 08/08/05, 09/29/05; 12/02/05; 12/15/05; 12/20/05  
**DATE FINALIZED:** 12/20/05  
DO'QW:AJT:MTF:LVT:GB:CSE

  
Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



Date: April 19, 2005

To: Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Acting Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over a horizontal line.

Subject: C-14 #Z2005000063  
Esmeralda Whittle/Londono  
18990 SW 152<sup>nd</sup> Street  
Unusual Use to Permit a Dog Kennel  
NUV of Setback and Spacing Requirements  
(GU) (2 Ac.)  
26-55-38

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DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Water Supply and Wastewater Disposal:

Public water and public sanitary sewers are not available in this area. Accordingly, the subject property is served by an on-site drinking water supply well and septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-13(4) of the Code.

Since the existing kennel generates liquid waste that is not domestic sewage, the property owner applied for variances from the above noted Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information, the EQCB granted the applicant's request subject to the conditions stated in Board Order 05-11. Therefore, DERM may approve the application and it may be scheduled for public hearing.

DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met

by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well is subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system.

#### Stormwater Management:

The subject property is located in an area that receives no flood protection; however, the existing single family residence and associated kennel are located on flood zone "x", where no flood insurance is required since the land is naturally high and therefore, flooding events are extremely rare. The existing single family residence and associated kennel are located on a parcel of land that is located in "Management Area 1, " which is defined in Chapter 33 of the Code as an "Area of Environmental Concern," subject to drainage and lot area restrictions. However, the subject property is a grandfather parcel and the existing structures predate the aforesaid restrictions. Furthermore, the existing structures are also grandfathered and consequently, not subject to flood concurrency standards.

#### Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Sections 24-5 and 24-48 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

#### Tree Preservation:

The subject property contains specimen-sized (trunk diameter  $\geq$  18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

#### Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

#### Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z



CFN 2005R0283023  
OR Bk 23193 Pgs 4767 - 4769f (4pgs)  
RECORDED 03/23/2005 10:59:44  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

**BEFORE THE MIAMI-DADE COUNTY  
ENVIRONMENTAL QUALITY CONTROL BOARD**

**IN RE:** : **Board Order No. 05-11**  
:  
:  
**Esmeralda Londono** :

THIS MATTER came before the Board as a request by Petitioner, Esmeralda Londono, for variances from the requirements of Section 24-43.1(4) and Section 24-43.1(6) of the Code of Miami-Dade County, Florida. The request is to allow the maintenance and continued use of an existing dog kennel, which is located on a property served by an on-site drinking water supply well and a septic tank. The existing dog kennel generates, disposes of, discharges or stores liquid waste other than domestic sewage. The subject property is located at 18990 S.W. 152<sup>nd</sup> Street, Miami-Dade County, Florida and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any source of potable water supply and a septic tank without obtaining the prior written approval of the Director of the Department of Environmental Resources Management (DERM). The same Code Section further requires that the Director of DERM shall only issue his written approval after the property owner has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County. The covenant provides that the only liquid waste, except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action, or zoning action for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed

land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-43.1(4) of the Code.

The Board finds that the subject property lies outside the urban development boundary (UDB) and in accordance with the provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP), the Miami-Dade Water and Sewer Department (MDWASD) does not provide service. Accordingly, the subject property is served by an on-site drinking water supply well and a septic tank.

The Board finds that the subject property is approximately two (2) acres in size and there is an existing single family residence on site as well as a dog kennel. The Board also finds that the Petitioner wishes to maintain the existing kennel, which operates as a temporary shelter for dogs with a maximum of thirty (30) dogs boarding at the subject facility. Additionally, the Board finds that no grooming or dipping services are performed at the site. The Board finds that, currently, liquid wastes generated by the operation of the kennel are disposed of by discharge to a septic tank.

The Board finds that this type of land use, generates, discharges, or disposes liquid waste that is not domestic sewage, as defined in the Code; however, if properly controlled, the liquid waste generated by this type of facility is practically harmless. The Board further finds that the existing land use complies with the sewage loading requirements of Section 24-43.1(4) of the Code.

Finally, the Board finds that, based upon the evidence and testimony presented and the foregoing findings, granting the requested variance to allow the continued use of a dog kennel at the subject property will not be detrimental to the public health, welfare and safety, will not create a nuisance, and will not materially increase the level of pollution in this County.

#### **ACCORDINGLY, IT IS**

**ORDERED AND ADJUDGED** that based upon the evidence and testimony presented and the foregoing findings, the Petitioner's request for variances from the requirements of Sections 24-43.1(4) and Section 24-43.1(6) of the Code of Miami-Dade County be and the same is hereby granted, subject to the following conditions:

1. The number of dogs at the facility shall not exceed thirty (30) at any one time.
2. Prior to the issuance of a certificate of use and occupancy, the Petitioner shall obtain an annual operating permit from DERM.
3. Grooming, bathing or dipping services shall not be performed at the subject property.
4. The liquid wastes generated by the kennel shall not be disposed of via the house septic tank but via a separate one.
5. The Petitioner shall install a hair trap prior to waste discharge into the septic tank.

6. Within sixty (60) days of the Board's approval, the owner or operator shall submit to DERM, for review and approval, a plan for a septic tank and drainfield for the discharges associated with the kennel. Said septic tank and drainfield shall be located one hundred (100) feet away from any potable water supply well.
7. The operation of the kennel shall not cause any environmental nuisance or odors.


Done and Ordered this 15th day of March, 2005 in Miami-Dade County, Florida.



Claire Bradshaw-Sidran, Ph.D.  
Chairperson

**FILING AND ACKNOWLEDGEMENT**

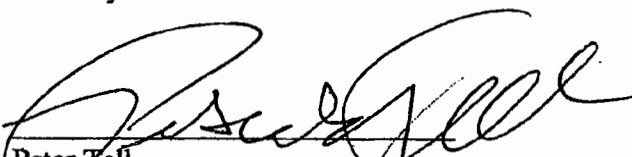
Filed on this 15th day of March, 2005 with the Secretary of the Board as Clerk of the Environmental Quality Control Board, receipt of which is hereby acknowledged and the seal of the Board affixed below.

  
John W. Renfrow, P. E.  
Secretary and Clerk

SEAL

Approved as to form and legal sufficiency:

Robert A. Ginsburg  
County Attorney  
Attorney for the Board

  
Peter Tell  
Assistant County Attorney

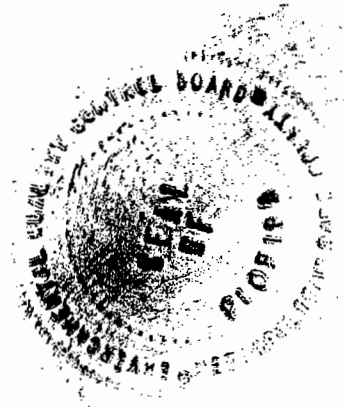




EXHIBIT "A"

Commencing at the NW corner of the NE ¼ Section 26, Township 55 South, Range 38 East, Miami-Dade County, Florida; thence run North 89° 31' 04" East along the North line of said NE ¼ for a distance of 685.06 feet to a point; thence run South 2° 03' 47" East for a distance of 40.01 feet to the Point of Beginning of a parcel of land hereinafter to be described; thence run North 89° 31' 04" East along a line 40 feet South of and parallel with the North line of the NE ¼ for a distance of 213.32 feet to a point; thence run South 2° 03' 47" East for a distance of 361.98 feet to a point; thence run South 43° 56' 00" West for a distance of 137.19 feet to a point; thence run North 46° 04' 00" West for a distance of 124.49 feet to a point of curvature of a circular curve concave to the right; thence run along said circular curve to the right having for its elements a radius of 100 feet and an interior angle of 44° 00' 13" for an arc distance of 76.80 feet to a point of tangency; thence run North 2° 03' 47" West for a distance of 304.15 feet to the Point of Beginning, less the external area formed by a 25 foot radius arc concave to the SE, tangent to a line that is 40 feet South of and parallel with the North line of said NE ¼ and tangent to a line that is 25 feet East of and parallel with the East line of the NW ¼ of the NE ¼ and less the external area formed by a 25 foot radius arc concave to the NE, tangent to a line that is 25 feet North of and parallel with centerline of a 50 foot right-of-way running North 43° 56' 00" East and tangent to a line that is 25 feet East of and parallel with the centerline of a 50 foot right-of-way running North 46° 04' 00" West.

Said lands situate, lying and being in Miami-Dade County, Florida.

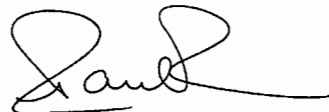
**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ESMERALDA WHITTLE/LONDONO

This Department has no objections to this application.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

15-APR-05

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY AV AMOUNT OF FEE \$ 923.40

RECEIPT #

DATE HEARD: 10/17/05

BY CZAB # 14

RECEIVED  
OCT 20 2005

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY Teella Vanchoree

DATE RECEIVED STAMP

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z05-063 (05-9-CZ 14-6)

Filed in the name of (Applicant) Esmeralda Londono Whittle

Name of Appellant, if other than applicant Director, Dept. of Planning & Zoning

Address/Location of APPELLANT'S property: 111 NW 1<sup>st</sup> St., 11<sup>th</sup> floor, Miami, Fla. 33128

Application, or part of Application being Appealed (Explanation) Entire application

Appellant (name): Director, Dept. of Planning & Zoning

hereby respectfully appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language).

The Community Zoning Appeals Board-14 decision is inconsistent with the  
Miami Dade County Comprehensive Development Master Plan

APPELLANT MUST SIGN THIS PAGE

Date: 20 day of October, year: 2005

Signed *Diane O'Quinn Williams*

Diane O'Quinn Williams

Print Name

111 NW 1st Street, 11th Floor, Miami, FL 33128

Mailing Address

(305) 375-2840

Phone

(305) 375-2795

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

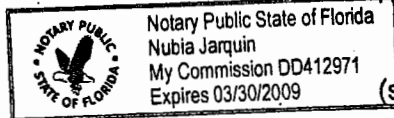
Zip

Telephone Number

Subscribed and Sworn to before me on the 20<sup>th</sup> day of October, year 2005

*Nubia Jarquin*

Notary Public



(stamp/seal)

Commission expires:

**RESOLUTION NO. CZAB14-37-05**

**WHEREAS, ESMERALDA LONDOÑO WHITTLE** applied for the following:

- (1) UNUSUAL USE to permit a dog kennel.
- (2) Applicant is requesting to permit the kennel use with a lot area of 2 acres (5 acres required).
- (3) Applicant is requesting to permit an accessory building setback 30.5' from the front (south) property line (75' required) on a dual frontage lot and setback a minimum of 7' from the side street (west) property line (30' required).
- (4) Applicant is requesting to permit a minimum spacing of 11' between accessory structures (20' required).
- (5) Applicant is requesting to permit accessory uses in front of a principal structure on a dual frontage lot (not permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 (inclusive) may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Detail of Dogs Kennels" dated 3/4/05 and "Cage Detail," dated stamped received 5/16/05 as prepared by Esmeralda Whittle and a survey as prepared by Jose Perez, dated 4/28/05.

**SUBJECT PROPERTY:** Commencing at the Northwest corner of the NE ¼ of Section 26, Township 55 South, Range 38 East; thence run N89° 31'04"E along the north line of said NE ¼ for a distance of 685.06' to a point; thence run S2° 03'47"E for a distance of 40.01' to the Point of beginning of a parcel of land hereinafter to be described; thence run N89° 31'04"E along a line 40' south of and parallel with the north line of the NE ¼ for a distance of 213.32' to a point; thence run S2° 03'47"E for a distance of 361.98' to a point; thence run S43° 56'00"W for a distance of 137.19' to a point; thence run N46° 04'00"W for a distance of 124.49' to a Point of curvature of a circular curve to the right; thence run along said circular curve to the right having for its elements a radius of 100' and an interior angle of 44° 00'13" for an arc distance of 76.8' to a Point of tangency; thence run N2° 03'47"W for a distance of 304.15' to the Point of beginning, less the external area formed by a 25' radius arc concave to the Southeast, tangent to a line that is 40' south of and parallel with the north line of said NE ¼ and tangent to a line that is 25' east of and parallel with the east line of the NW ¼ of the NW ¼ of the NE ¼ and less the external area formed by a 25' radius arc concave to the Northeast, tangent to a line that is 25' north of and parallel with centerline of a 50' right-of-way running N43° 56'00"E and tangent to a line that is 25' east of and parallel with the centerline of a 50' right-of-way running N46° 04'00"W.

**LOCATION:** 18990 S.W. 152 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use (Item #1), and the requests to permit the kennel use with a lot area of 2 acres (Item #2), to permit an accessory building setback 30.5' from the front (south) property line on a dual frontage lot and setback a minimum of 7' from the side street (west) property line (Item #3), to permit a minimum spacing of 11' between accessory structures (Item #4), and to permit accessory uses in front of a principal structure on a dual frontage lot (Item #5) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested unusual use would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 - 4, was offered by Curtis Lawrence, seconded by Dawn Lee Blakeslee, and upon a poll of the members present, the vote was as follows:

Samuel Ballinger	aye	Rose L. Evans-Coleman	absent
Wilbur B. Bell	aye	Don Jones	absent
Dawn Lee Blakeslee	aye	Curtis Lawrence	aye
	Dr. Pat Wade		nay

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 14 that the requested unusual use (Item #1) be and the same is hereby approved.

*BE IT FURTHER RESOLVED* that the requests to permit the kennel use with a lot area of 2 acres (Item #2), to permit an accessory building setback 30.5' from the front (south) property line on a dual frontage lot and setback a minimum of 7' from the side street (west) property line (Item #3), to permit a minimum spacing of 11' between accessory structures (Item #4), and to permit accessory uses in front of a principal structure on a dual frontage lot (Item #5) be and the same are hereby approved.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 17<sup>th</sup> day of October, 2005.

Hearing No. 05-9-CZ14-6  
Is

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1<sup>ST</sup> DAY OF NOVEMBER 2005.**

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-37-05 adopted by said Community Zoning Appeals Board at its meeting held on the 17<sup>th</sup> day of October 2005.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 1<sup>st</sup> day of November, 2005.



Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning

**SEAL**





# Memorandum

**Date:** 21-DEC-05

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue

**Subject:** Z2005000063

## Fire Prevention Unit:

Fire Water & Engineering has no objection to plans presented with letter of intent dated May 9 2005. Substantial changes to this plan must be resubmitted for review and approval.

## Service Impact/Demand:

Development for the above Z2005000063  
located at 18990 SW 152 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2074 is proposed as the following:

<u>single</u>	dwelling units	<u>industrial</u>	square feet
<u>multifamily</u>	dwelling units	<u>institutional</u>	square feet
<u>1,020</u>	square feet	<u>nursing home</u>	square feet
<u>commercial</u>			

Based on this development information, estimated service impact is: 0.27 alarms-annually.

## Existing services:

The Fire station responding to an alarm in the proposed development will be:  
43 Richmond 13390 SW 152 Street Rescue, ALS 50' Sqrt (TRT).

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:  
Station 71 Eureka Vicinity of SW 184 Street & 189 Avenue

## Fire Planning Additional Comments:

Current service impact calculated based on letter of intent dated May 9 2005. Substantial changes to the letter of intent will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

ESMERALDA LONDONO WHITTLE

18990 SW 152 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

---

ADDRESS

---

Z2005000063

---

HEARING NUMBER

## CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.



**Miami-Dade Police Department**  
**Address**  
**ESMERALDA LONDONO WHITTLE; HEARING # 05-63**



Police Grids Boundaries

MDPD Crime Analysis System  
December 21, 2005  
Data in this document represents  
successfully geocoded attributes.

0 0.09 0.18 Miles





Miami-Dade Police Department

# **Miami-Dade Police Department** **Address Query for Events occurring at 18990 SW 152** **For 2003-11-15 Thru 2005-11-15**

28

Crime Information Warehouse

Detail Filter: Dis.Complaint Date >= "2003-11-15" and Dis.Complaint Date < "2005-11-16" and Dis.Police District Code in ( "A", "B", "C", "D", "E", "G", "H", "I", "K", "L", "M", "N", "P", "Q", "R", "ZZ" ) and Dis.Incident Address contains "18990 SW 152" and Dis.Reporting Agency Code = substring ( "030", 1, 3 ) and Common and Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" )

Incident Address	Dis	Grid	A O P	Complaint Date	Day of Wk	Call Rcvd Time	Complaint Name	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit	Event Number	Rp Wr YN
18990 SW 152 ST	H	2074	2	12/15/2003	MON	11:26:05		0668248B		14	11:26:05	11:35:45	11:36:16	AG211	33315263	N
18990 SW 152 ST	H	2074	2	02/02/2004	MON	02:58:01	LONDONO-RUIZ, S	0060765C		14	02:58:01	03:17:29	03:57:00	H1204	40300517	N
18990 SW 152 ST	H	2074	2	03/08/2004	MON	13:54:47	ONO-RUIZ RES	0130656C		14	13:54:47	15:43:35	16:35:00	H3201	40643179	N
18990 SW 152 ST	Q	2074	2	12/01/2004	WED	10:03:21		0634926C		14PA	10:03:21	10:03:21	10:03:21	EIU51	43163335	Y
18990 SW 152ND ST	H	2074	2	10/01/2005	SAT	14:18:27	RUIZ MR	PD051001069293		34	14:18:27	15:40:18	16:46:17	H3203	PD051001110035	N



Miami-Dade Police Department

## Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2003 and 2004



Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "1444", "2058", "2074" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) ) and Common

**2003      2004**

Grid	Signal Code	Signal Description		
2074	13	SPECIAL INFORMATION/ASSIGNMENT	2	2
	14	CONDUCT INVESTIGATION	1	8
	15	MEET AN OFFICER	6	8
	17	TRAFFIC ACCIDENT	5	3
	19	TRAFFIC STOP	17	10
	20	TRAFFIC DETAIL	1	0
	21	LOST OR STOLEN TAG	1	0
	22	AUTO THEFT	0	1
	28	VANDALISM	1	0
	34	DISTURBANCE	0	1
	36	MISSING PERSON	0	1
	39	PRISONER	1	1
	49	FIRE	0	1
	52	NARCOTICS INVESTIGATION	0	2
<b>Total Signals for Grid 2074 :</b>			<b>35</b>	<b>38</b>



**MIAMI-DADE POLICE DEPARTMENT**  
**Zoning Hearing Report Part I and Part II Crimes w/o AOA**  
**For Specific Grids**  
**For 2003 and 2004**

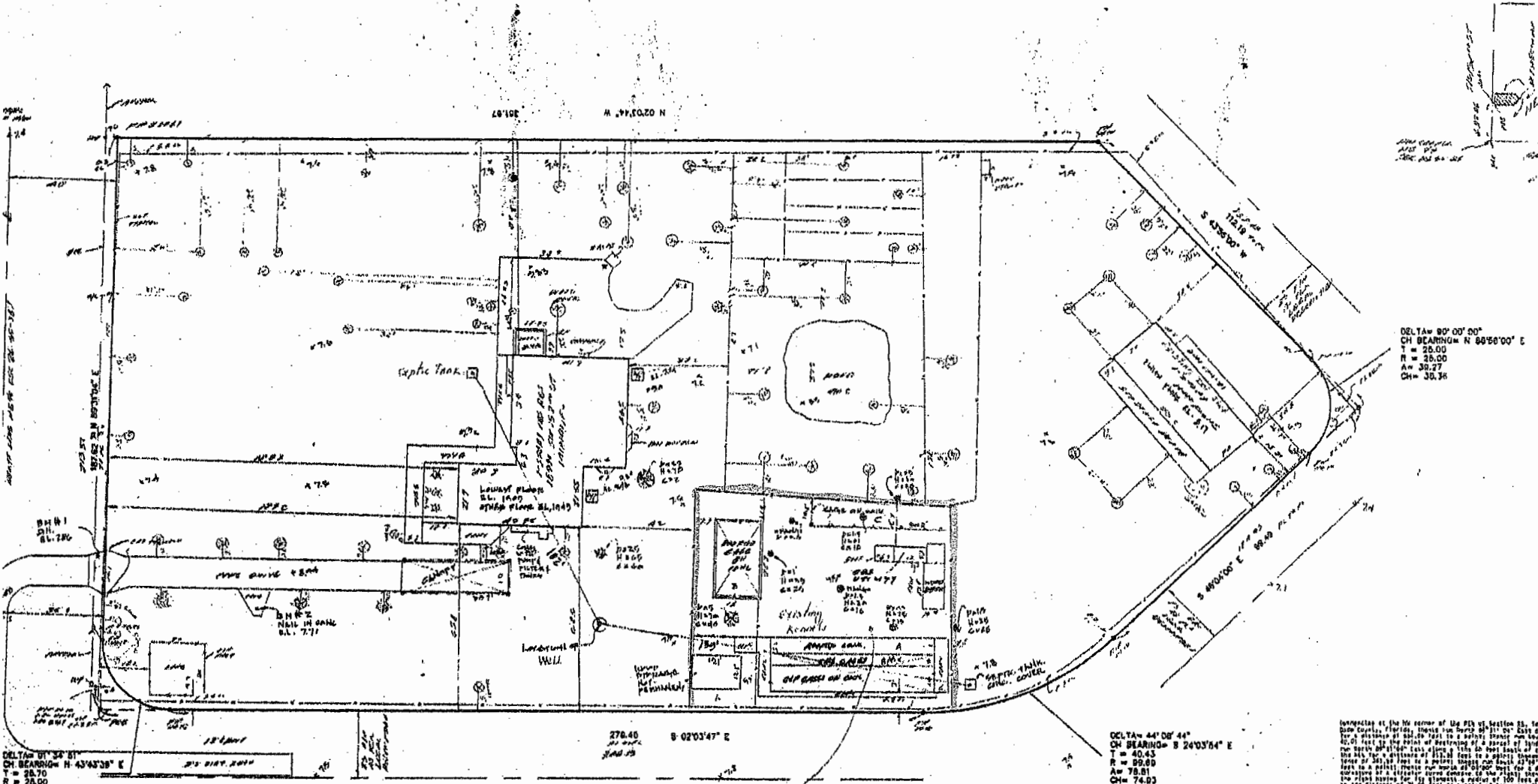


Miami-Dade Police Department

Grid(s): 1444, 2058, 2074

2003 2004

Grid 2074				
Part II				
350A		NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	0	1
Part II TOTAL			0	1
Grid 2074 TOTAL			0	1



DELTA= 01 34 51  
CH. BEARING= N-4  
T= 25.70  
R= 25.00  
Am 30.65  
CH= 35.84

DELTA= 44' 08' 44"  
CH BEARING= S 24°03'54" E  
T = 40.43  
R = 89.80  
A = 78.81  
CH = 74.03

[illegible]

NOTE:  
Facility only for conducting FORUMS, in BATHING.  
FORUMS OR DISCUSSING ARE PROVIDED.

BUNCH NAME USED: MIAMI-DADE COUNTY P-677  
CEL. TOE N440 1050

LEADERS SECTION OF SURVEY SCALE: 1"=20'  
 MAPS AND AIRPHOTOS ON GROUND PHOTO MAPS OF THE MOUNTAIN ROADSIDE  
 (The map shows the location of the mountain and the road. The map is a topographic map of the area around the mountain. The mountain is shown as a large, rounded peak. The road is shown as a line running through the valley. The map is labeled with various features, including the mountain, the road, and the surrounding area. The map is a good reference for the location of the mountain and the road.)

COASTLINE  
HEIGHT  
DIAMETER

[illegible]

DETAIL OF DOGS KILLED.  
PREPARED BY  
E. S. HALLIDAY, UNDERSHERIFF

TESTIFIED TO: HOWARD W. NAZLOFF, F.A., COMMONWEALTH LAND TITLE  
INSURANCE COMPANY, 218 N. ALABAMA WHITTLER, LONDON E. THOMAS AND HENRY  
THOMAS, ITS SUCCESSORS AND/OR ASSIGNS.

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IS IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 370, F.S., AND THAT IT DOES NOT VIOLATE ANY OTHER PROVISIONS OF THE FLORIDA ADMINISTRATIVE CODE. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

FOR Esmeralda Lohman 16

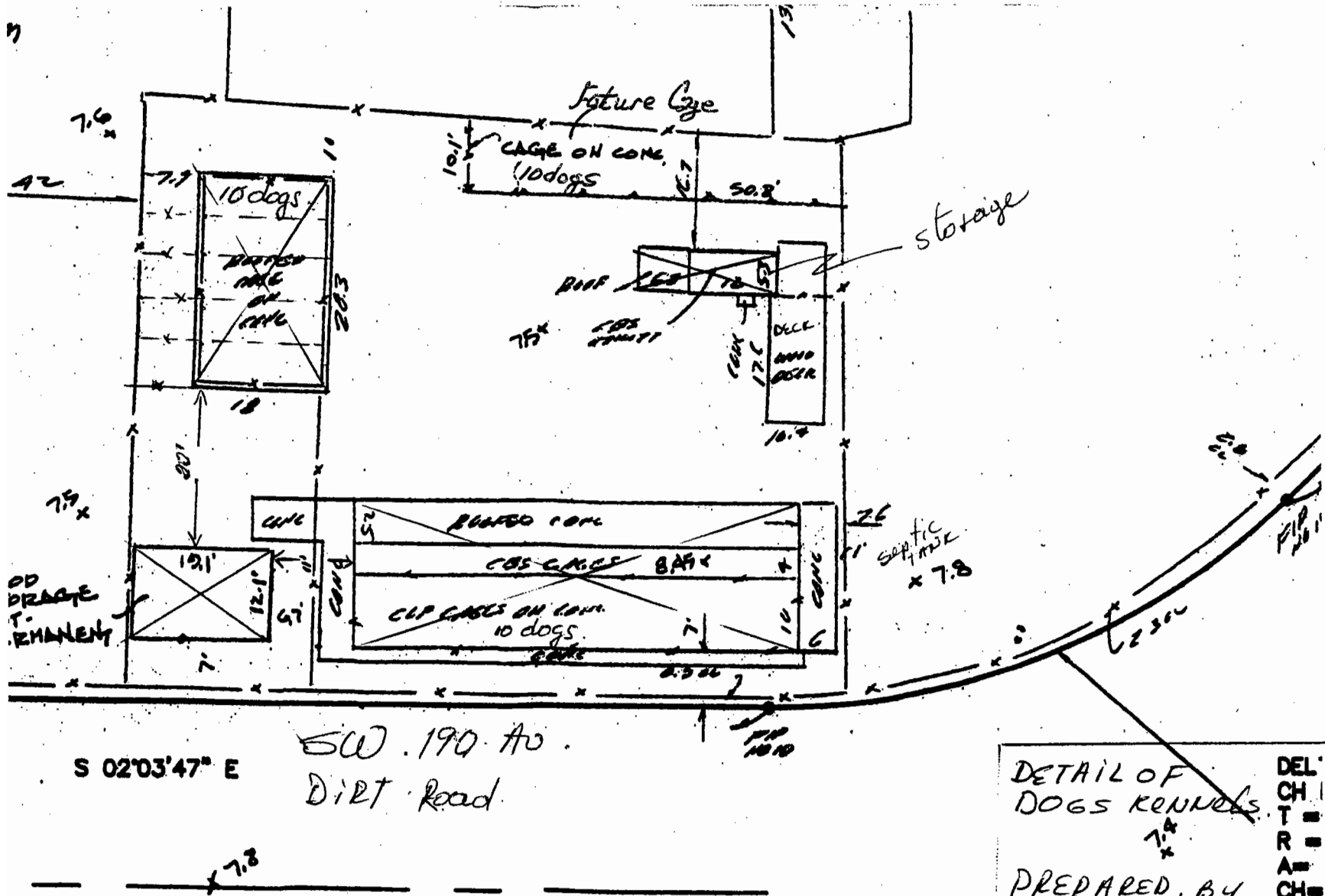
ORDER NO. 4-24-54 12-04-B.A. 12-10

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
PAIDED SEAL OF A FLORIDA LICENSED BUYER  
AND SHAPER.

JOSE A. PERALTA  
PROFESSIONAL (AND BUYER) N  
NO. 282 STATE OF FLOR.

FIELD WORK DATE: 12-10

REVIEWED 12-10  
" " " 12-10  
" " " 12-10



DETAIL OF  
DOGS KENNELS

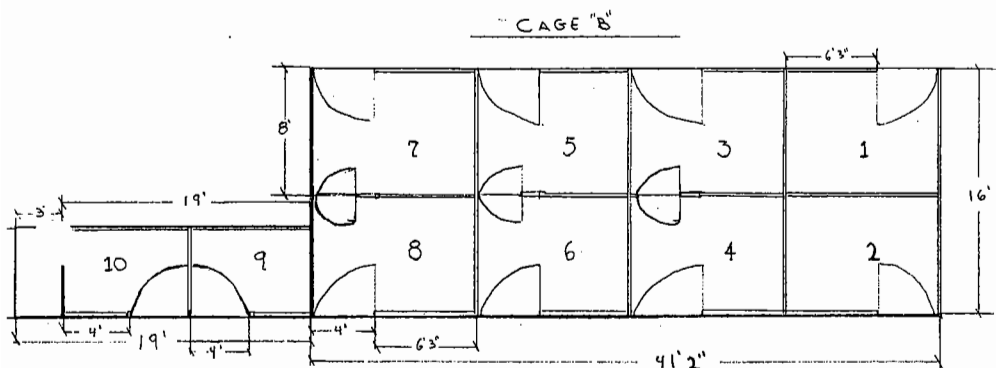
PREPARED BY <sup>AS</sup> CH-  
Esmeralda Whittle

DATE. 3-4-05.

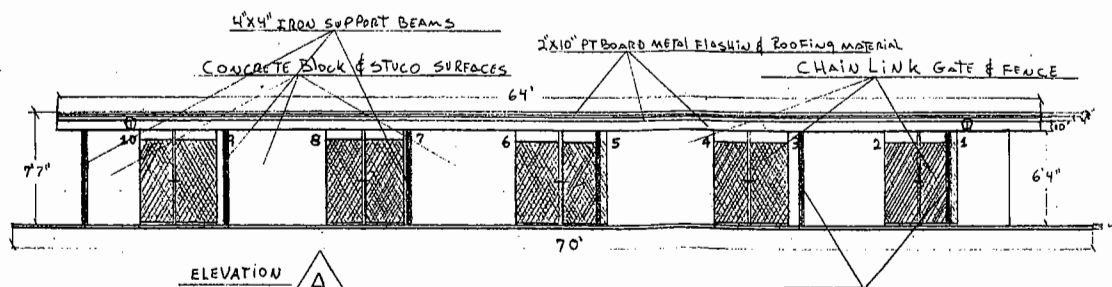
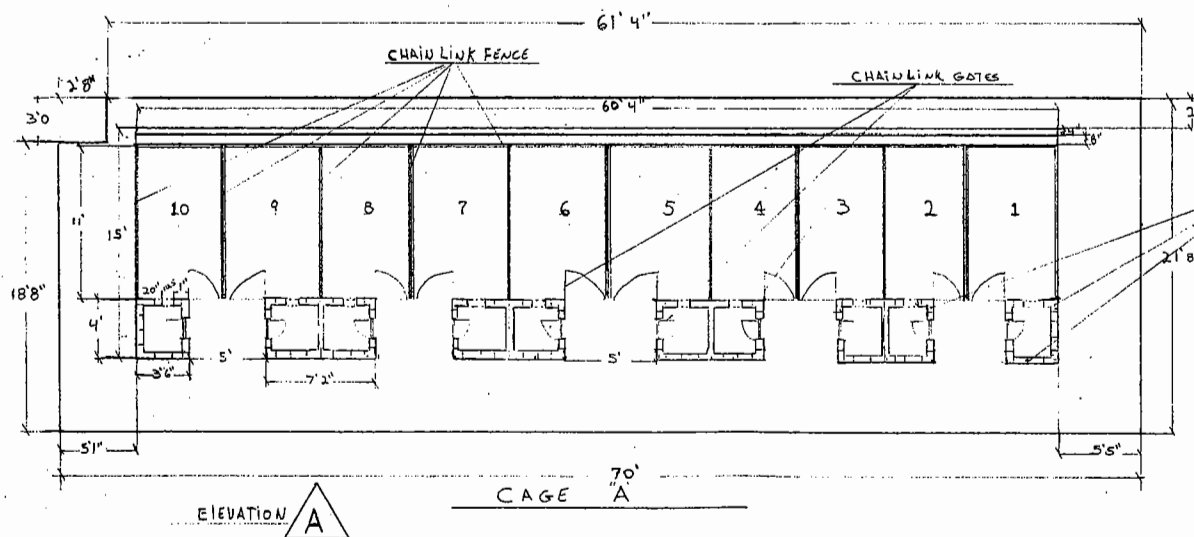
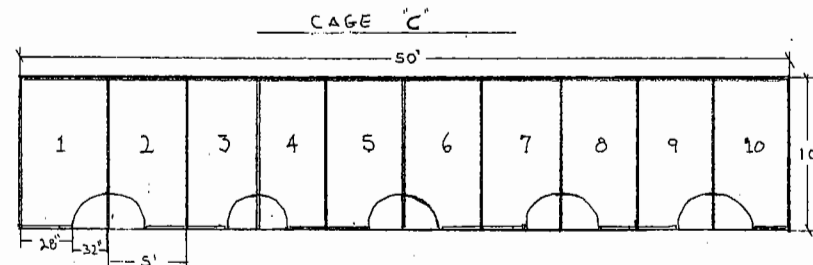
RECEIVED  
2005-63  
MAR 8 2005

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.





Roof to be completed

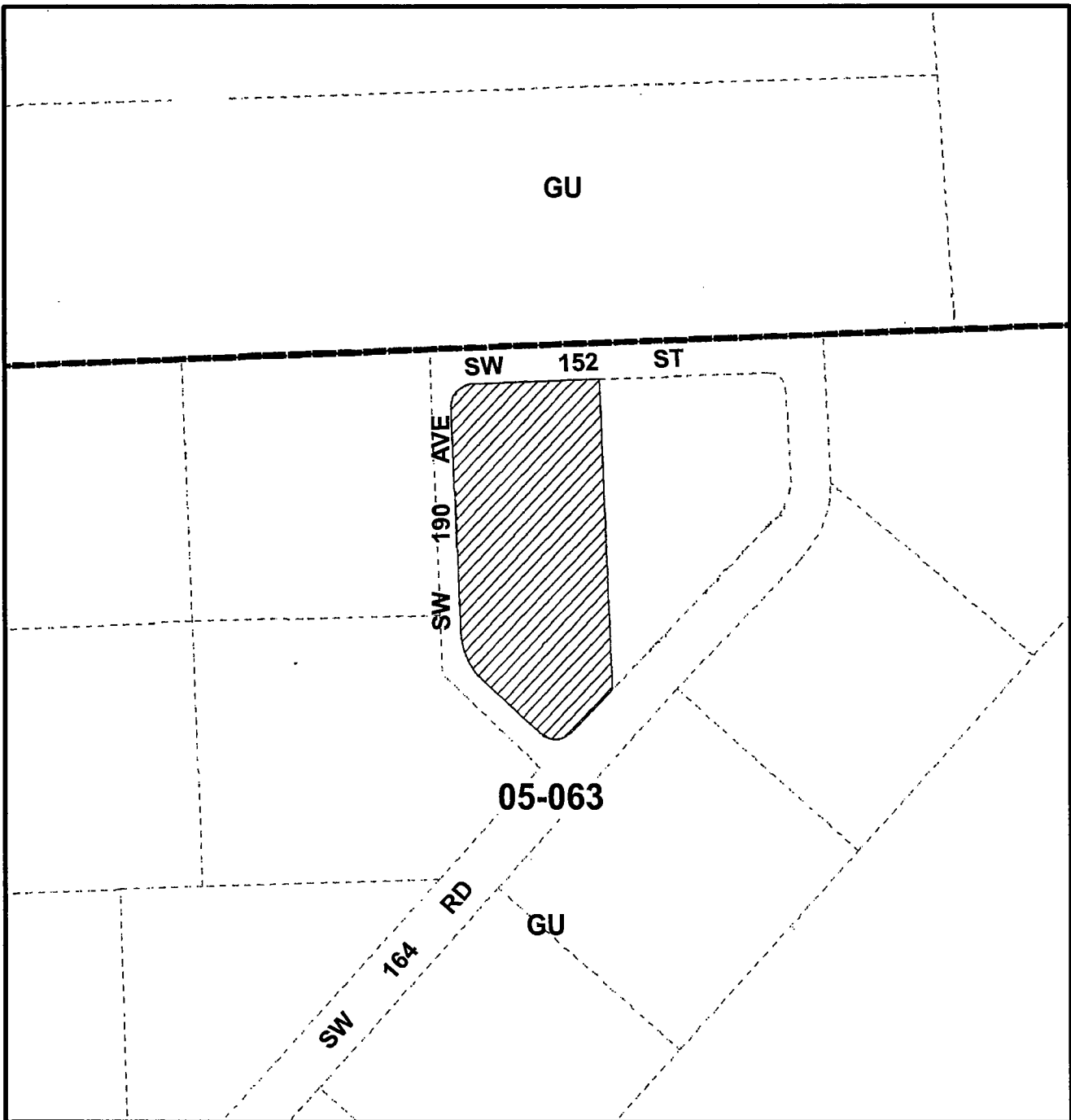


MAY 16 2005  
 FINING HEARINGS SECTION  
 MAINTENANCE PLANNING AND ZONING DEPT.

- DESCRIPTION:**
- CAGE "A" CONCRETE SLAB WITH 6 BLOCK STRUCTURES COMBINE WITH CHAIN LINK FENCE AND GATES. UNDER STEEL FRAME WITH TARI. PAPER, SHINGLES ROOFING.
  - CAGE "B" CONCRETE SLAB WITH GALVANIZED PIPE STRUCTURE SUPPORTING CHAIN LINK FENCING AND CORRUGATED ALUMINUM ROOFING PANELS.
  - CAGE "C" 50' x 10' CONCRETE SLAB WITH GALVANIZED PIPE STRUCTURE SUPPORTING CHAIN LINK FENCING AND CORRUGATED ALUMINUM PANELS.

SCALE: 1/8" = 1'  
 DATE: 5-3-05

CAGE



**MIAMI-DADE COUNTY  
HEARING MAP**

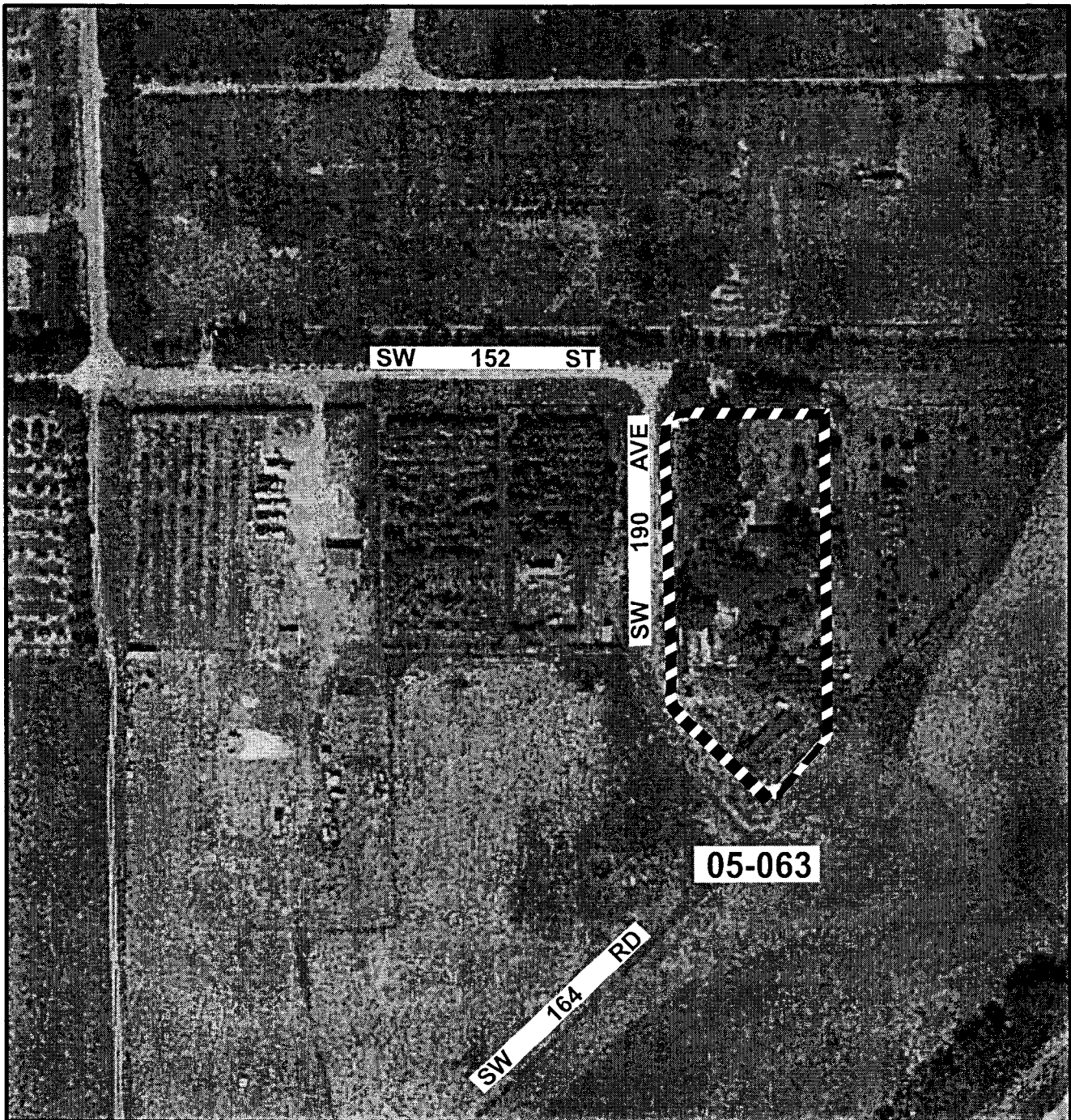
**Section: 26 Township: 55 Range: 38  
Process Number: 05-063  
Applicant: ESMERALDA WHITTLE / LONDONO  
District Number: 09  
Zoning Board: C14  
Drafter: ALFREDO  
Scale: 1:200'**

S C A L E  
0 200'



 SUBJECT PROPERTY





MIAMI-DADE COUNTY  
**AERIAL**

Section: 26 Township: 55 Range: 38  
Process Number: 05-063  
Applicant: ESMERALDA WHITTLE / LONDONO  
District Number: 09  
Zoning Board: C14  
Drafter: ALFREDO  
Scale: NTS

S C A L E  
0 NTS N



SUBJECT PROPERTY



**D. ESMERALDA LONDONO WHITTLE**  
**(Applicant)**

**05-9-CZ14-6 (05-63)**  
**Area 14/District 9**  
**Hearing Date: 10/17/05**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY  
COMMUNITY ZONING APPEALS BOARD - AREA 14  
MOTION SLIP**

**6**

APPLICANT'S NAME: ESMERALDA LONDONO WHITTLE

REPRESENTATIVE: **APPLICANT**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
05-9-CZ14-6 (05-63)	SEPTEMBER 6, 2005	CZAB14 05

**REQ:** (1) UU dog kennel. (2) Lot area 2 ac. (3) Acc. Bldg. front setback 30.5' dual front lot & 7' from side st. (4) Spacing 11' btwn acc structures. (5) Acc. uses front of principal structure on dual front lot.

**REC:** DWOP

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>OCT. 17, 2005</u> <input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input type="checkbox"/>		

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			X
MR.	M	Wilbur B. BELL	X		
MS.	S	Dawn Lee BLAKESLEE	X		
MS.		Rose L. EVANS-COLEMAN	X		
MR.		Don JONES	X		
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			X
MADAME CHAIRPERSON		DR. Pat WADE	X		
VOTE:			5	0	

EXHIBITS: ☐ YES ☒ NO

COUNTY ATTORNEY: RON BERNSTEIN

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

**APPLICANT:** Esmeralda Londono Whittle

**PH:** Z05-063 (05-9-CZ14-6)

**SECTION:** 26-55-38

**DATE:** October 17, 2005

**COMMISSION DISTRICT:** 9

**ITEM NO.:** D

**A. INTRODUCTION**

o **REQUESTS:**

- (1) UNUSUAL USE to permit a dog kennel.
- (2) Applicant is requesting to permit the kennel use with a lot area of 2 acres (5 acres required).
- (3) Applicant is requesting to permit an accessory building setback a minimum of 7' from the side street (west) property line (30' required).
- (4) Applicant is requesting to permit a minimum spacing of 11' between accessory structures (20' required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 (inclusive) may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Detail of Dogs Kennels" dated 3/4/05 and "Cage Detail," dated stamped received 5/16/05 as prepared by Esmeralda Whittle and a survey as prepared by Jose Perez, dated 4/28/05. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is requesting an unusual use to permit a dog kennel on a GU lot with an area of 2 acres. In addition, requests to permit said kennel with a lesser side street setback than required and to permit accessory structures spaced less than required from each other are also being sought.

o **LOCATION:**

18990 S.W. 152 Street, Miami-Dade County, Florida.

o **SIZE:** 2 acres

o **IMPACT:**

Approval of this application would allow the applicant the maintenance and continued use of a dog kennel in a non-conforming GU zoned parcel of land. The lesser

setback and spacing requirements could visually and aurally impact the surrounding area.

**B. ZONING HEARINGS HISTORY:** None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Open Land**.

### **Open Land**

The land designated as "Open Land" is not needed for urban uses between now and the year 2005 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions.

Also included in some Open Land areas are some existing year-round agricultural activities, and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of Sections 33-196, 33-280, and 33-280.1 of the Miami-Dade County Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Land Use Policy 5D, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.

Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area. The map titled "Open Land Subareas" (Figure 4) and the following text indicate the boundaries between Open Land Subareas.

**Open Land Subarea 4 (East Everglades Residential Areas).**

This subarea is bounded on the north, west and southwest by Environmental Protection Subarea B, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are seasonal agriculture and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County) and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area.

**Seasonal Agriculture**

Seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months of May through October on land that is, or has been bedded or filled to an elevation at or above Dade County flood criteria, and given that no additional off-site drainage will occur. (pg. I-50 of Comprehensive Development Master Plan)

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GU; single-family residence and dog kennel      Open Land Subarea 4

Surrounding Properties:

NORTH: GU; vacant      Open Land Subarea 4

SOUTH: GU; vacant      Open Land Subarea 4

EAST: GU; vacant      Open Land Subarea 4

WEST: GU; grove/orchard      Open Land Subarea 4

The subject parcel is located at 18990 SW 152 Street. The area where the subject property lies is characterized by vacant parcels. A grove/orchard and residence are located to the west.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(site plan provided)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**



Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	N/A
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3). Special Exceptions, Unusual and New uses.** The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**Section 33-311 (A)(4)(b). Non-Use Variances From Other Than Airport Regulations:** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the

non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**Sec. 33B-25. Authorized uses.**

**(A) Management Area 1:**

**(1) Permitted uses:**

- (a) Agricultural use, and
- (b) Agricultural support housing at a density of no greater than one (1) unit per forty (4) acres, or
- (c) Single-family detached dwelling units at a density of no greater than one (1) unit per forty (40) acres.

**(2) Conditional uses:**

- (a) Single-family detached dwelling units at a density of no greater than one (1) unit per five (5) acres in that portion of Management Area 1 which had an established residential character as of January 14, 1981, provided that positive drainage flood control facilities are available to protect the area from a one-in-ten-year flood event. This area is defined as all of Sections 14, 21, 22, 23, 27, 28; the south one-half of Section 11 and the south one-half of the north one-half of Section 11; the east one-half of Section 15; the east one-half of Section 16; all land in Section 26 which lies northerly and westerly of Levee L-31-N; the east one-half of the east one-half of Section 29; all within Township 55 South and Range 38 East.
- (b) Residential dwelling units at a density of no greater than one (1) dwelling unit per twenty (20) acres, provided that:
  - 1. The dwelling unit is ancillary to an established agricultural operation involving less than forty (40) acres, and
  - 2. Occupancy of the dwelling is limited to the owner, operator or employees of the established agricultural operation, and
  - 3. The parcel was not in common ownership with any adjacent parcel of land on or after January 14, 1981.

**G. NEIGHBORHOOD SERVICES:**

DERM  
Public Works

No objection\*  
No objection\*

Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

\*Subject to conditions indicated in their memoranda.

#### H. ANALYSIS:

This application was deferred from September 6, 2005, at the applicant's request. The applicant, Esmeralda Londono Whittle, is requesting to permit the continued use of a dog kennel. Requests are also sought to permit the dog kennel with a lot area of 2 acres, permit an accessory building setback a minimum of 7' from the side street (west) property line and permit a spacing of 11' between accessory buildings. The subject property is zoned GU, Interim District, with an AU, Agricultural, trend and is improved with a single-family residence.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** to this application. Their memorandum indicates that this application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Open Land Subarea 4**. The interpretive text of the CDMP indicates that this subarea is bounded on the north, west and southwest by Environmental Protection Subarea B, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are **seasonal agriculture**, rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County), and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area. Further, seasonal agriculture is defined in the Master Plan as those agricultural activities which occur during the months of November through April on land at natural elevation, or which occur during the months of May through October on land that is, or has been filled to an elevation at or above Miami-Dade County Flood Criteria.

The applicant's request for an unusual use to permit a dog kennel is not supported by staff. The subject property is zoned GU, Interim District, with an agricultural trend. The agricultural zoning district allows uses such as barns, packing facilities, cattle or stock grazing, farms, nurseries, greenhouses, and wineries. The proposed use of a dog kennel in conjunction with a residential use is not consistent with the policies, goals and objectives of the Master Plan. As previously mentioned, Open Land Subarea 4 allows seasonal

agricultural uses to occur in the area where the subject property lies. Staff is of the opinion that the proposed dog kennel consisting of 3 concrete structures housing a total of 30 dog cages is indicative of a commercial activity rather than that of a seasonal agricultural use. The proposed use is overly intensive on this site and will be a nuisance visually and orally to the surrounding area. In staff's opinion, a dog kennel in this area is **inconsistent** with the Master Plan for Open Land Subarea 4 and **incompatible** with the surrounding area which consists of vacant parcels and a grove.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff is of the opinion that the proposed dog kennel would result in excessive noise, cause undue or excessive burden on public facilities, and provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with that area and its development. As previously mentioned, the subject property is located in a section of land that is designation as Open Land Subarea 4, which only permits seasonal agriculture. The proposed dog kennel would not be in keeping with the seasonal agricultural uses allowed under the Master Plan designation. Further, the proposed use would be too intensive for this site and the surrounding area. The concentration of 30 dogs will create a noise nuisance to the surrounding area and will not promote a healthy environment when considering the necessities of the dogs. As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When analyzing requests #2 through #4 under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Requests #2 through #4, to permit the dog kennel use with a lot area of 2 acres, to permit a minimum setback of 7' from the side street (west) property line and to a permit a minimum spacing of 11' between accessory buildings, are not supported by staff. Approval of the dog kennel use in the substandard parcel of land could set a precedent in the area for similar approvals of unusual uses on smaller lots than permitted. In addition, staff is of the opinion that the accessory structure (tool shed) located toward the rear of the property at 7' from the side street property line, can be relocated to meet zoning district regulations for setbacks. The size of the subject property can accommodate the tool shed without the necessity of variances for setbacks. Further, the spacing of 11' between accessory structures is germane to and an integral part of request #1 to permit a dog kennel. As such, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(b) (Non-Use Variance Standards).

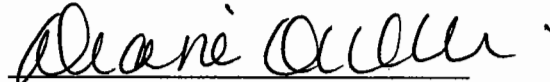
When requests #2 through #4 are analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, which requires that the applicant prove unnecessary hardship, staff is of the opinion that these requests do not comply with the standards of said section since the property can be utilized in accordance with zoning regulations. As such, the requests cannot be approved under Section 33-311(A)(4)(c) (Alternative Non-Use Variance Standards).

Accordingly, staff recommends denial without prejudice of this application.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 03/23/05  
**DATE TYPED:** 07/20/05  
**DATE REVISED:** 08/02/05, 08/08/05, 09/29/05  
**DATE FINALIZED:** 08/15/05, 09/29/05  
DO'QW:AJT:MTF:LVT:GB:CSE

  
Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



Date: April 19, 2005

To: Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Acting Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name.

Subject: C-14 #Z2005000063  
Esmeralda Whittle/Londono  
18990 SW 152<sup>nd</sup> Street  
Unusual Use to Permit a Dog Kennel  
NUV of Setback and Spacing Requirements  
(GU) (2 Ac.)  
26-55-38

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DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Water Supply and Wastewater Disposal:

Public water and public sanitary sewers are not available in this area. Accordingly, the subject property is served by an on-site drinking water supply well and septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-13(4) of the Code.

Since the existing kennel generates liquid waste that is not domestic sewage, the property owner applied for variances from the above noted Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information, the EQCB granted the applicant's request subject to the conditions stated in Board Order 05-11. Therefore, DERM may approve the application and it may be scheduled for public hearing.

DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met

by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well is subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system.

**Stormwater Management:**

The subject property is located in an area that receives no flood protection; however, the existing single family residence and associated kennel are located on flood zone "X", where no flood insurance is required since the land is naturally high and therefore, flooding events are extremely rare. The existing single family residence and associated kennel are located on a parcel of land that is located in "Management Area 1," which is defined in Chapter 33 of the Code as an "Area of Environmental Concern," subject to drainage and lot area restrictions. However, the subject property is a grandfather parcel and the existing structures predate the aforesaid restrictions. Furthermore, the existing structures are also grandfathered and consequently, not subject to flood concurrency standards.

**Wetlands:**

The subject site is not located in jurisdictional wetlands as defined in Sections 24-5 and 24-48 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

**Tree Preservation:**

The subject property contains specimen-sized (trunk diameter  $\geq$  18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

**Enforcement History:**

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

**Concurrency Review Summary:**

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z



**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ESMERALDA WHITTLE/LONDONO

This Department has no objections to this application.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

15-APR-05

# Memorandum



**Date:** 04-APR-05  
**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue  
**Subject:** Z2005000063

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## Fire Prevention Unit:

No objection for accessibility Dog Kennel

Development for the above Z2005000063  
located at 18990 S.W. 152 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2043 is proposed as the following:

<u>single</u>	dwelling units	<u>industrial</u>	square feet
<u>multifamily</u>	dwelling units	<u>institutional</u>	square feet
<u>commercial</u>	square feet	<u>nursing home</u>	square feet

Based on this development information, estimated service impact is  
0.26 alarms annually.

Planned service(s) to mitigate the impact is:

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Station/Unit

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Estimated date of opening

DATE: 09/22/05

# TEAM METRO

## ENFORCEMENT HISTORY

ESMERALDA LONDONO WHITTLE

18990 SW 152 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

---

APPLICANT

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ADDRESS

Z2005000063

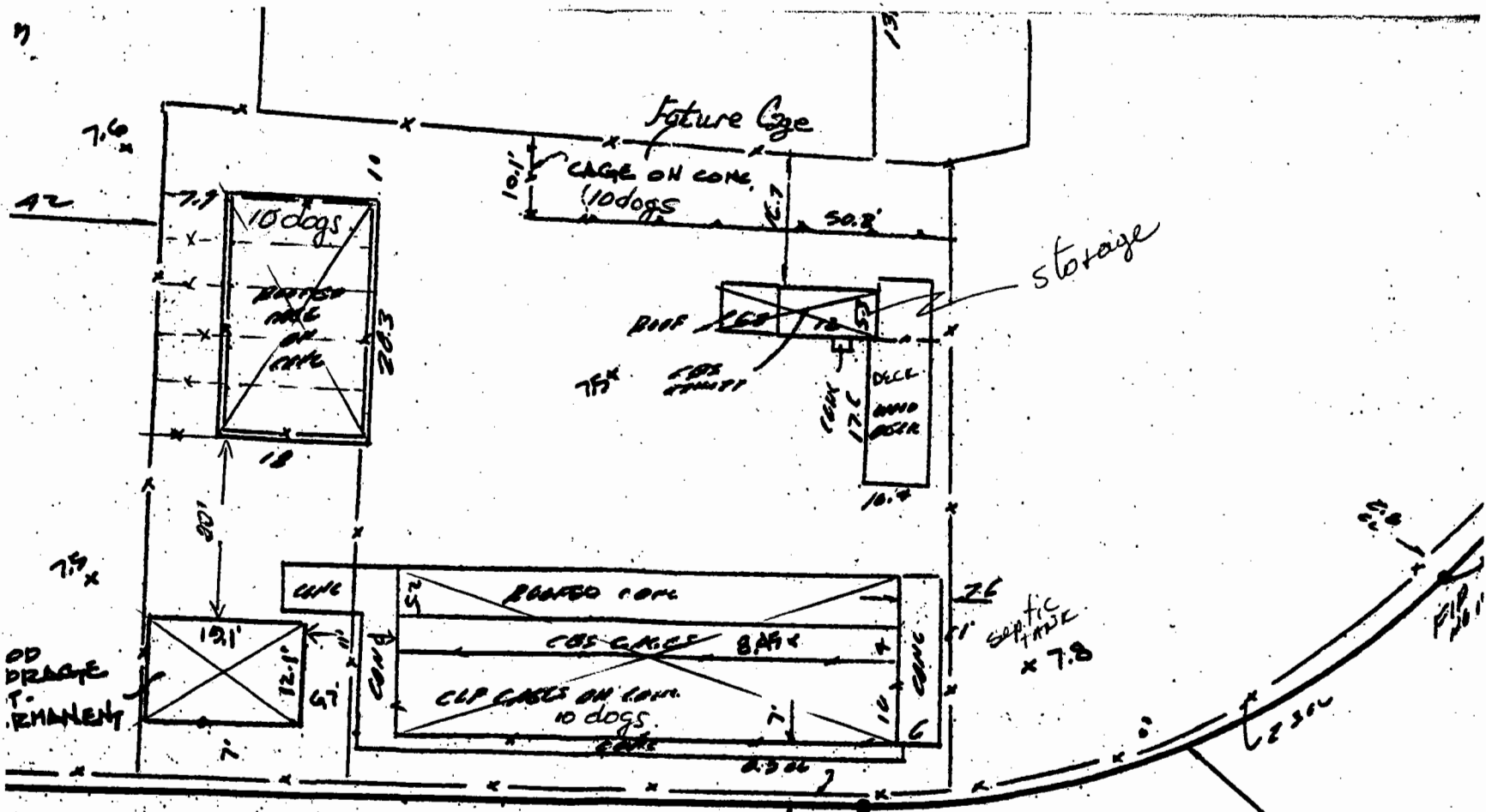
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HEARING NUMBER

## CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.





~~DETAIL OF DOGS KENNELS~~

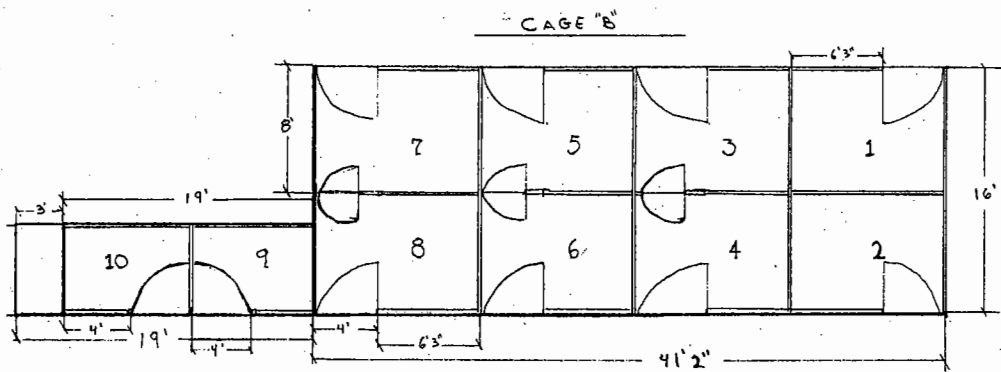
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Esmeralda White

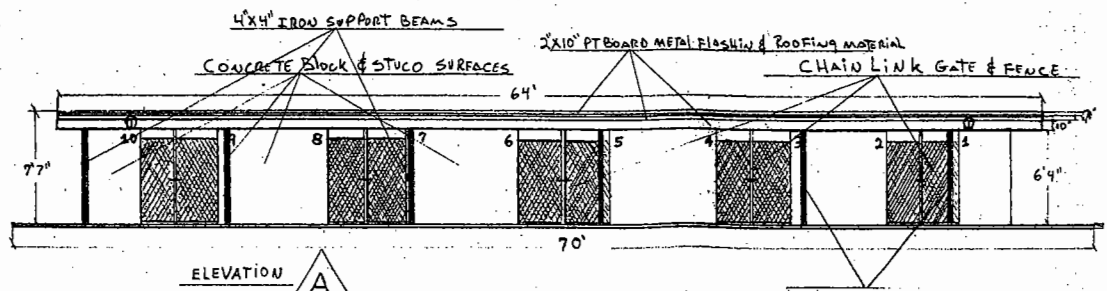
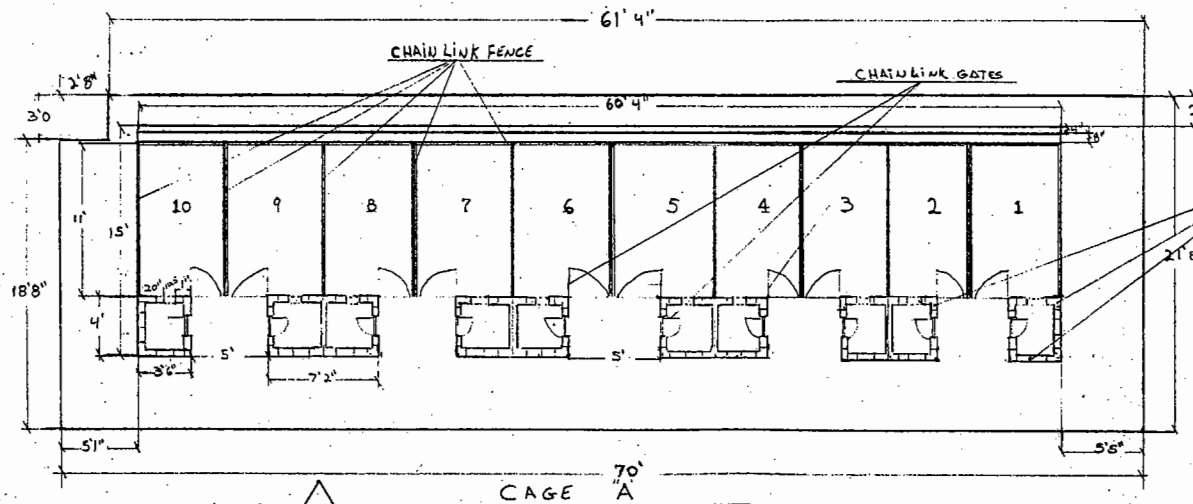
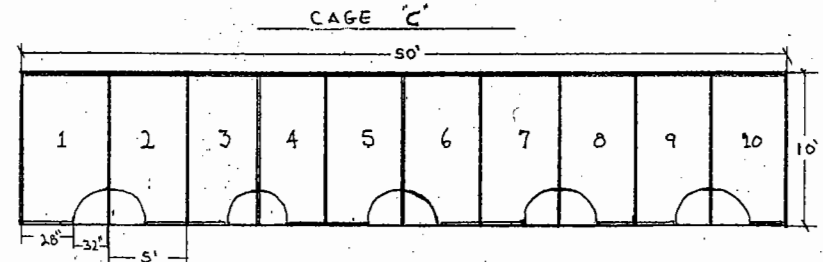
DATE. 3-4-05

RECEIVED  
2005-63  
MAR 8 2005

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



roof to be completed



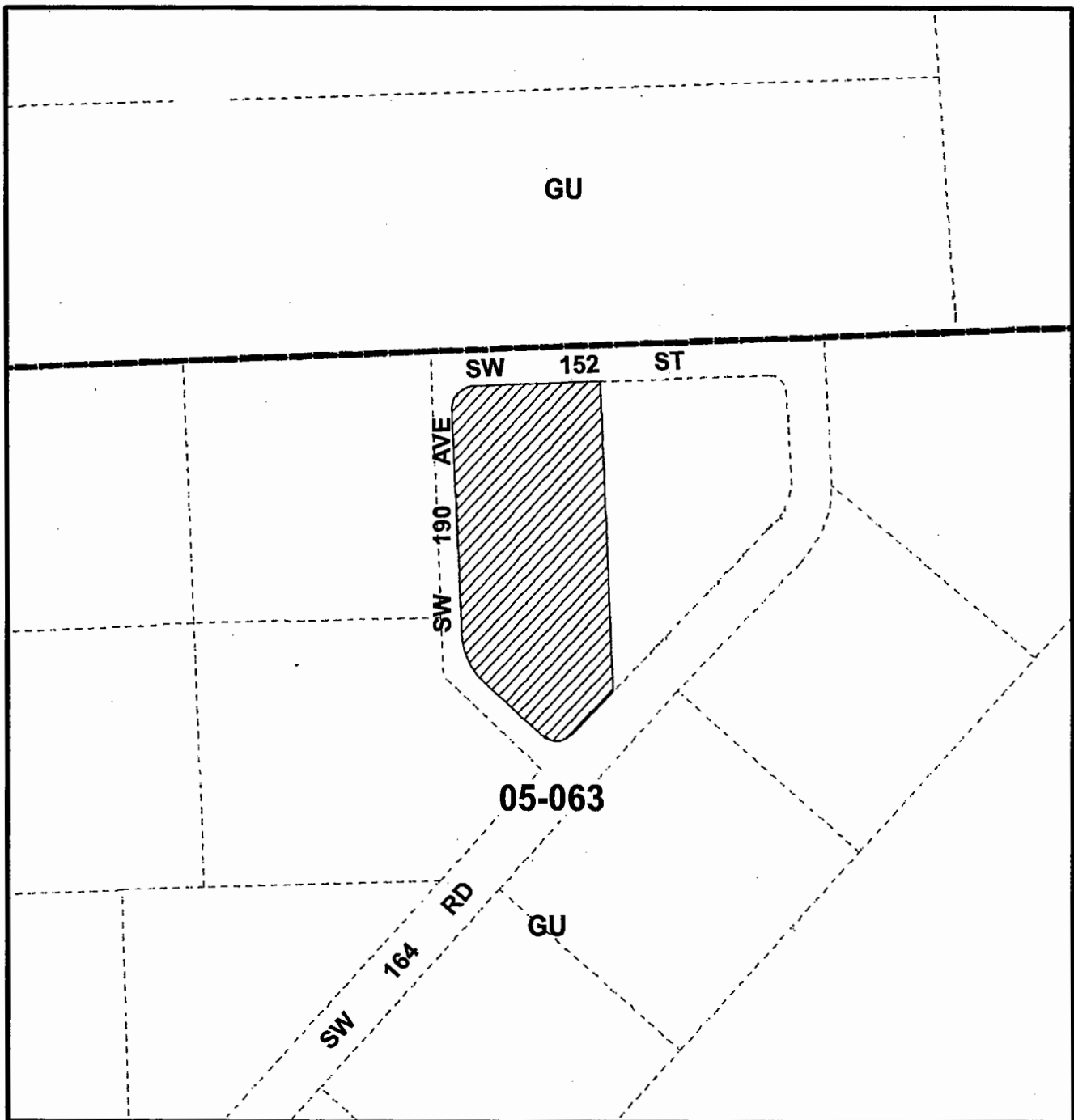
CONCRETE BLOCK  
ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
MAY 16 2005

DESCRIPTION:

- CAGE "A" CONCRETE SLAB WITH 6" BLOCK STRUCTURE COMBINE WITH CHAIN LINK FENCE AND GATES. UNDER STEEL FRAME WITH TARI PAPER, SHINGLES ROOFING.
- CAGE "B" CONCRETE SLAB WITH GALVANIZED PIPE STRUCTURE SUPPORTING CHAIN LINK FENCING AND CORRUGATED ALUMINUM ROOFING PANELS.
- CAGE "C" 50' X 10' CONCRETE SLAB WITH GALVANIZED PIPE STRUCTURE SUPPORTING CHAIN LINK FENCING AND CORRUGATED ALUMINUM PANELS.

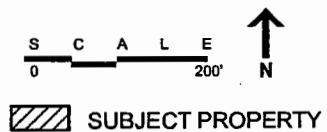
SCALE: 1/8" = 1'  
DATE: 5-3-05

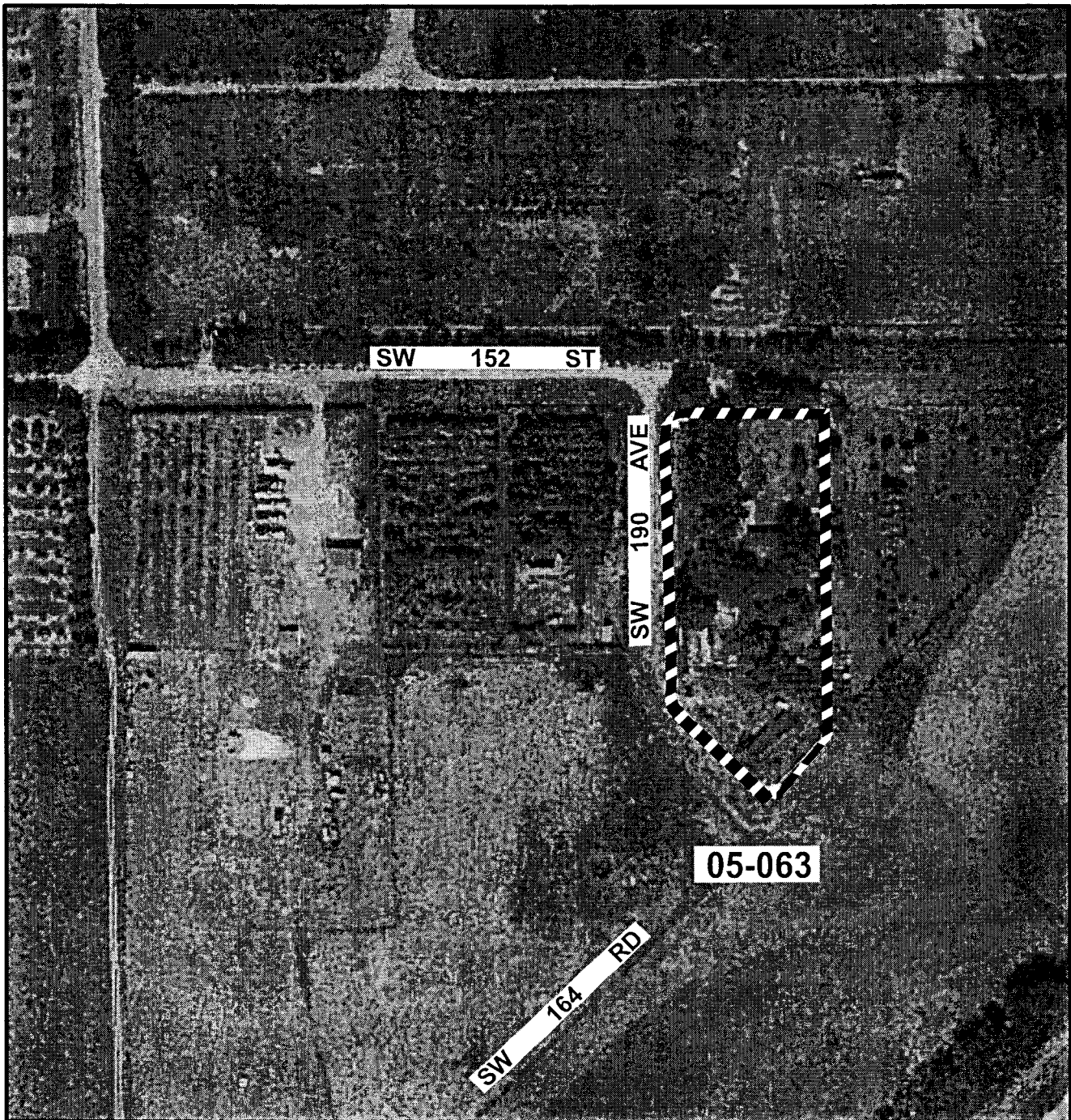
CAGE



**MIAMI-DADE COUNTY  
HEARING MAP**

**Section: 26 Township: 55 Range: 38  
Process Number: 05-063  
Applicant: ESMERALDA WHITTLE / LONDONO  
District Number: 09  
Zoning Board: C14  
Drafter: ALFREDO  
Scale: 1:200'**





MIAMI-DADE COUNTY  
**AERIAL**

Section: 26 Township: 55 Range: 38  
Process Number: 05-063  
Applicant: ESMERALDA WHITTLE / LONDONO  
District Number: 09  
Zoning Board: C14  
Drafter: ALFREDO  
Scale: NTS

S C A L E  
0 NTS N



SUBJECT PROPERTY





**6. ESMERALDA LONDONO WHITTLE**  
**(Applicant)**

**05-9-CZ14-6 (05-63)**  
**Area 14/District 9**  
**Hearing Date: 9/6/05**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ / lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
--------------------	-------------------------	-----------------------	---------------------	------------------------

NONE

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

**APPLICANT:** Esmeralda Londono Whittle

**PH:** Z05-063 (05-9-CZ14-6)

**SECTION:** 26-55-38

**DATE:** September 6, 2005

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 6

**A. INTRODUCTION**

o **REQUESTS:**

- (1) UNUSUAL USE to permit a dog kennel.
- (2) Applicant is requesting to permit the kennel use with a lot area of 2 acres (5 acres required).
- (3) Applicant is requesting to permit an accessory building setback a minimum of 7' from the side street (west) property line (30' required).
- (4) Applicant is requesting to permit a minimum spacing of 11' between accessory structures (20' required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 (inclusive) may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Detail of Dogs Kennels" dated 3/4/05 and "Cage Detail," dated stamped received 5/16/05 as prepared by Esmeralda Whittle and a survey as prepared by Jose Perez, dated 4/28/05. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is requesting an unusual use to permit a dog kennel on a GU lot with an area of 2 acres. In addition, requests to permit said kennel with a lesser side street setback than required and to permit accessory structures spaced less than required from each other are also being sought.

o **LOCATION:**

18990 S.W. 152 Street, Miami-Dade County, Florida.

o **SIZE:** 2 acres

o **IMPACT:**

Approval of this application would allow the applicant the maintenance and continued use of a dog kennel in a non-conforming GU zoned parcel of land. The lesser

setback and spacing requirements could visually and aurally impact the surrounding area.

**B. ZONING HEARINGS HISTORY:**     None.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Open Land**.

**Open Land**

The land designated as "Open Land" is not needed for urban uses between now and the year 2005 and has been set aside for uses other than urban development. It is not simply surplus undeveloped land, but rather it is land that is intended to serve one or more of the following functions: production such as agriculture, limestone extraction or other resource-based activity such as development of potable water supplies; rural residential development at a maximum density indicated for the specific Open Land subarea, but no greater than one unit per five acres; recreation; compatible utility and public facilities as indicated for the specific Open Land Subarea, and conservation, maintenance or enhancement of environmental character. Lower residential densities may be required in some areas for purposes of avoiding flood conditions or to avoid degradation of environmental systems or features. Because of the water supply-related or other environmental functions of those areas, they may also be considered for acquisition by federal, State, regional, County or private institutions that would manage these areas to optimize environmental functions.

Also included in some Open Land areas are some existing year-round agricultural activities, and some enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of Sections 33-196, 33-280, and 33-280.1 of the Miami-Dade County Code shall continue to apply in Subareas 1, 2, 3 and 5, except that residential lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless a use or zoning: (a) is found through a subsequent planning study, as provided in Land Use Policy 5D, to be inconsistent with the foregoing grandfather provisions or inconsistent with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the expansion of any use inconsistent with the specific provisions for the applicable Open Land subarea. To the contrary, it is the intent of this plan to contain and prevent the expansion of such inconsistent development in Open Land areas.

Because Open Land areas primarily consist of wetlands, all proposed uses will be reviewed on a case-by-case basis. No particular use, other than rural residential use at specified densities is definitively allowed. Following is an indication of the uses and residential densities that are likely to be permitted in each of six Open Land Subareas, subject to conformity with the pertinent goals, objectives, and policies of this Plan. The Land Use Plan map depicts the precise boundary of the entire Open Land area. The map titled "Open Land Subareas" (Figure 4) and the following text indicate the boundaries between Open Land Subareas.

**Open Land Subarea 4 (East Everglades Residential Areas).**

This subarea is bounded on the north, west and southwest by Environmental Protection Subarea B, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are seasonal agriculture and rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County) and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area.

**Seasonal Agriculture**

Seasonal agriculture means those agricultural activities which occur during the months November through April on land at natural elevation, or which occur during the months of May through October on land that is, or has been bedded or filled to an elevation at or above Dade County flood criteria, and given that no additional off-site drainage will occur. (pg. I-50 of Comprehensive Development Master Plan)

**D. NEIGHBORHOOD CHARACTERISTICS:****ZONING****LAND USE PLAN DESIGNATION****Subject Property:**

GU; single-family residence and dog kennel      Open Land Subarea 4

**Surrounding Properties:**

NORTH: GU; vacant      Open Land Subarea 4

SOUTH: GU; vacant      Open Land Subarea 4

EAST: GU; vacant      Open Land Subarea 4

WEST: GU; grove/orchard      Open Land Subarea 4

The subject parcel is located at 18990 SW 152 Street. The area where the subject property lies is characterized by vacant parcels. A grove/orchard and residence are located to the west.

**E. SITE AND BUILDINGS:****Site Plan Review:**

(site plan provided)

Scale/Utilization of Site:

**Unacceptable**

Location of Buildings:

**Unacceptable**

Compatibility:	Unacceptable
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	N/A
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(3). Special Exceptions, Unusual and New uses.** The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and **unusual uses** which by regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

**Section 33-311 (A)(4)(b). Non-Use Variances From Other Than Airport Regulations:** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the

non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**Sec. 33B-25. Authorized uses.**

**(A) Management Area 1:**

**(1) Permitted uses:**

- (a) Agricultural use, and
- (b) Agricultural support housing at a density of no greater than one (1) unit per forty (4) acres, or
- (c) Single-family detached dwelling units at a density of no greater than one (1) unit per forty (40) acres.

**(2) Conditional uses:**

- (a) Single-family detached dwelling units at a density of no greater than one (1) unit per five (5) acres in that portion of Management Area 1 which had an established residential character as of January 14, 1981, provided that positive drainage flood control facilities are available to protect the area from a one-in-ten-year flood event. This area is defined as all of Sections 14, 21, 22, 23, 27, 28; the south one-half of Section 11 and the south one-half of the north one-half of Section 11; the east one-half of Section 15; the east one-half of Section 16; all land in Section 26 which lies northerly and westerly of Levee L-31-N; the east one-half of the east one-half of Section 29; all within Township 55 South and Range 38 East.
- (b) Residential dwelling units at a density of no greater than one (1) dwelling unit per twenty (20) acres, provided that:
  - 1. The dwelling unit is ancillary to an established agricultural operation involving less than forty (40) acres, and
  - 2. Occupancy of the dwelling is limited to the owner, operator or employees of the established agricultural operation, and
  - 3. The parcel was not in common ownership with any adjacent parcel of land on or after January 14, 1981.

**G. NEIGHBORHOOD SERVICES:**

DERM  
Public Works

No objection\*  
No objection\*

Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	No comment

\*Subject to conditions indicated in their memoranda.

#### H. ANALYSIS:

The applicant, Esmeralda Londono Whittle, is requesting to permit the continued use of a dog kennel. Requests are also sought to permit the dog kennel with a lot area of 2 acres, permit an accessory building setback a minimum of 7' from the side street (west) property line and permit a spacing of 11' between accessory buildings. The subject property is zoned GU, Interim District, with an AU, Agricultural, trend and is improved with a single-family residence.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department does not object** to this application. Their memorandum indicates that this application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Open Land Subarea 4**. The interpretive text of the CDMP indicates that this subarea is bounded on the north, west and southwest by Environmental Protection Subarea B, on the east by Levee 31N, and on the south by SW 168 Street. Uses which may be considered for approval in this area are **seasonal agriculture**, rural residences at a density of 1 dwelling unit per 40 acres, or 1 dwelling unit per 20 acres if ancillary to an established agricultural operation, or 1 dwelling unit per 5 acres, after such time as drainage facilities become available to protect this area from a one-in-ten-year flood event in keeping with the adopted East Everglades zoning overlay regulation (Section 33B, Code of Miami-Dade County), and compatible and necessary utility facilities. Uses that could compromise groundwater quality shall not occur in this area. Further, seasonal agriculture is defined in the Master Plan as those agricultural activities which occur during the months of November through April on land at natural elevation, or which occur during the months of May through October on land that is, or has been filled to an elevation at or above Miami-Dade County Flood Criteria.

The applicant's request for an unusual use to permit a dog kennel is not supported by staff. The subject property is zoned GU, Interim District, with an agricultural trend. The agricultural zoning district allows uses such as barns, packing facilities, cattle or stock grazing, farms, nurseries, greenhouses, and wineries. The proposed use of a dog kennel in conjunction with a residential use is not consistent with the policies, goals and objectives of the Master Plan. As previously mentioned, Open Land Subarea 4 allows seasonal agricultural uses to occur in the area where the subject property lies. Staff is of the opinion

that the proposed dog kennel consisting of 3 concrete structures housing a total of 30 dog cages is indicative of a commercial activity rather than that of a seasonal agricultural use. The proposed use is overly intensive on this site and will be a nuisance visually and orally to the surrounding area. In staff's opinion, a dog kennel in this area is **inconsistent** with the Master Plan for Open Land Subarea 4 and **incompatible** with the surrounding area which consists of vacant parcels and a grove.

When analyzing request #1 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, staff is of the opinion that the proposed dog kennel would result in excessive noise, cause undue or excessive burden on public facilities, and provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for use in relation to the present and future development of the area and the compatibility of the applied for use with that area and its development. As previously mentioned, the subject property is located in a section of land that is designation as Open Land Subarea 4, which only permits seasonal agriculture. The proposed dog kennel would not be in keeping with the seasonal agricultural uses allowed under the Master Plan designation. Further, the proposed use would be too intensive for this site and the surrounding area. The concentration of 30 dogs will create a noise nuisance to the surrounding area and will not promote a healthy environment when considering the necessities of the dogs. As such, staff recommends denial without prejudice of request #1 under Section 33-311(A)(3).

When analyzing requests #2 through #4 under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that the requests do not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. Requests #2 through #4, to permit the dog kennel use with a lot area of 2 acres, to permit a minimum setback of 7' from the side street (west) property line and to a permit a minimum spacing of 11' between accessory buildings, are not supported by staff. Approval of the dog kennel use in the substandard parcel of land could set a precedent in the area for similar approvals of unusual uses on smaller lots than permitted. In addition, staff is of the opinion that the accessory structure (tool shed) located toward the rear of the property at 7' from the side street property line, can be relocated to meet zoning district regulations for setbacks. The size of the subject property can accommodate the tool shed without the necessity of variances for setbacks. Further, the spacing of 11' between accessory structures is germane to and an integral part of request #1 to permit a dog kennel. As such, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(b) (Non-Use Variance Standards).

When requests #2 through #4 are analysed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, which requires that the applicant prove unnecessary hardship, staff is of the opinion that these requests do not comply with the standards of said section since the property can be utilized in accordance with zoning regulations. As such, the requests cannot be approved under Section 33-311(A)(4)(c) (Alternative Non-Use Variance Standards).

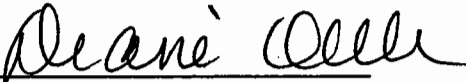
Accordingly, staff recommends denial without prejudice of this application.

I. **RECOMMENDATION:** Denial without prejudice.



J. CONDITIONS: None.

DATE INSPECTED: 03/23/05  
DATE TYPED: 07/20/05  
DATE REVISED: 08/02/05, 08/08/05  
DATE FINALIZED: 08/15/05  
DO'QW:AJT:MTF:LVT:GB:CSE

  
Diane O'Quinn Williams, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



Date: April 19, 2005

To: Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Acting Assistant Director  
Environmental Resources Management

A handwritten signature in dark ink, appearing to read "Jose Gonzalez".

Subject: C-14 #Z2005000063  
Esmeralda Whittle/Londono  
18990 SW 152<sup>nd</sup> Street  
Unusual Use to Permit a Dog Kennel  
NUV of Setback and Spacing Requirements  
(GU) (2 Ac.)  
26-55-38

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DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Water Supply and Wastewater Disposal:

Public water and public sanitary sewers are not available in this area. Accordingly, the subject property is served by an on-site drinking water supply well and septic tank.

Section 24-43.1(4) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by a septic tank as a means for the disposal of domestic liquid waste, if the proposed land use generates liquid waste other than domestic sewage.

Section 24-43.1(6) of the Code prohibits the approval of any building permit, certificate of use and occupancy, municipal occupational license, platting action or zoning action for any nonresidential land use served or to be served by any by any liquid waste storage, disposal or treatment method other than public sanitary sewers or any source of potable water supply other than a public water main. The same Code Section also provides that nonresidential land uses served by a septic tank and public water may only be approved, if among other requirements, the proposed land use does not generate liquid waste other than domestic sewage and complies with all the requirements of Section 24-13(4) of the Code.

Since the existing kennel generates liquid waste that is not domestic sewage, the property owner applied for variances from the above noted Code Sections before the Environmental Quality Control Board (EQCB). Based upon the evidence and available information, the EQCB granted the applicant's request subject to the conditions stated in Board Order 05-11. Therefore, DERM may approve the application and it may be scheduled for public hearing.

DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met

by the proposed water supply facility. The applicant is advised that a minimum separation distance of 100 feet is required between any well and all septic tank and drainfields, all surface waters and any other source of contamination.

Notwithstanding the foregoing, the DERM approval of the on-site drinking water supply well is subject to compliance with the minimum drinking water standards for a potable water supply well, including DERM review and approval of the on-site well and water treatment system. The applicant shall also obtain an annual operating permit from the Water Supply Section of DERM for the potable water supply system.

**Stormwater Management:**

The subject property is located in an area that receives no flood protection; however, the existing single family residence and associated kennel are located on flood zone "x", where no flood insurance is required since the land is naturally high and therefore, flooding events are extremely rare. The existing single family residence and associated kennel are located on a parcel of land that is located in "Management Area 1, " which is defined in Chapter 33 of the Code as an "Area of Environmental Concern," subject to drainage and lot area restrictions. However, the subject property is a grandfather parcel and the existing structures predate the aforesaid restrictions. Furthermore, the existing structures are also grandfathered and consequently, not subject to flood concurrency standards.

**Wetlands:**

The subject site is not located in jurisdictional wetlands as defined in Sections 24-5 and 24-48 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

**Tree Preservation:**

The subject property contains specimen-sized (trunk diameter  $\geq$  18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all specimen-sized trees, as defined in the Code, on the site. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

**Enforcement History:**

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

**Concurrency Review Summary:**

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation-P&Z  
Ron Connally, Zoning Hearings- P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# Z2005000063  
CZAB - C14

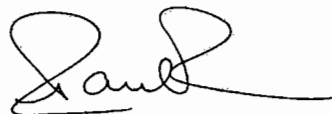
**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: ESMERALDA WHITTLE/LONDONO

This Department has no objections to this application.

This land may require platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This meets the traffic concurrency criteria set for an Initial Development Order.



Raul A Pino, P.L.S.

15-APR-05

# Memorandum



**Date:** 04-APR-05  
**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue  
**Subject:** Z2005000063

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## Fire Prevention Unit:

No objection for accessibility Dog Kennel

Development for the above Z2005000063  
located at 18990 S.W. 152 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2043 is proposed as the following:

<u>single</u>	dwelling units	<u>industrial</u>	square feet
<u>multifamily</u>	dwelling units	<u>institutional</u>	square feet
<u>commercial</u>	square feet	<u>nursing home</u>	square feet

Based on this development information, estimated service impact is  
0.26 alarms annually.

Planned service(s) to mitigate the impact is:

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Station/Unit

---

Estimated date of opening

At this time, Miami-Dade Fire Rescue can/cannot accomodate the  
additional projected service impact.

# TEAM METRO KENDALL OFFICE

## ENFORCEMENT HISTORY

ESMERALDA LONDONO WHITTLE

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**PROPERTY OWNER**

18990 SW 152 Street, Miami-Dade  
County, FL

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**ADDRESS**

9/6/05

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**HEARING DATE**

05-063

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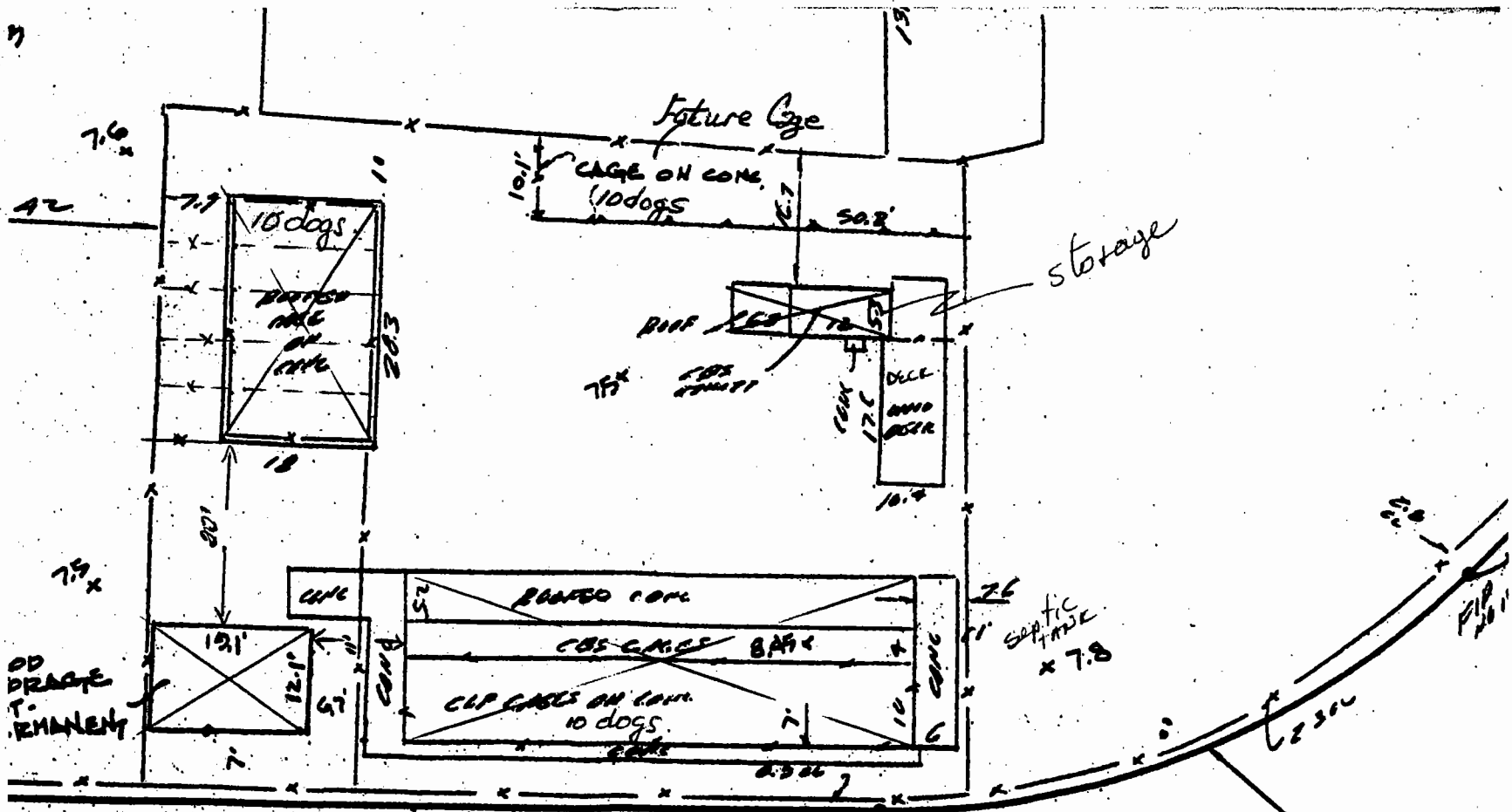
**HEARING NUMBER**

## CURRENT ENFORCEMENT HISTORY:

8/9/05      No violations observed at this time







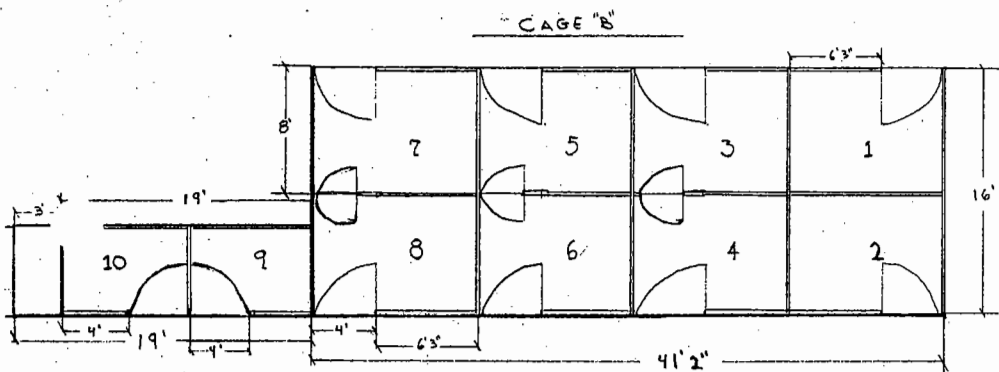
S 02°03'47" E

SW 190' Av.  
Dirt Road

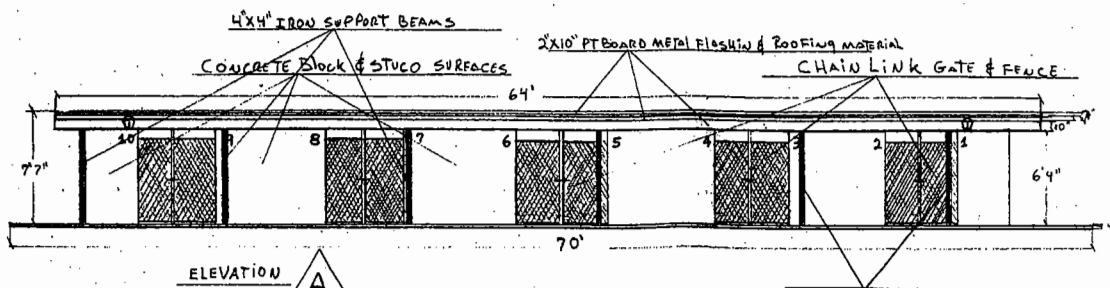
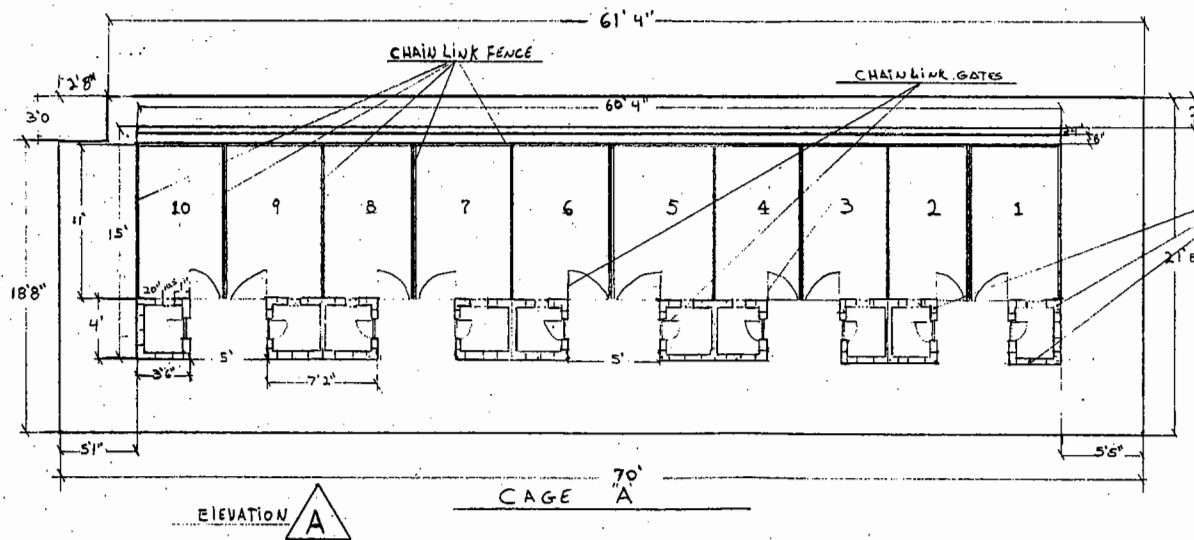
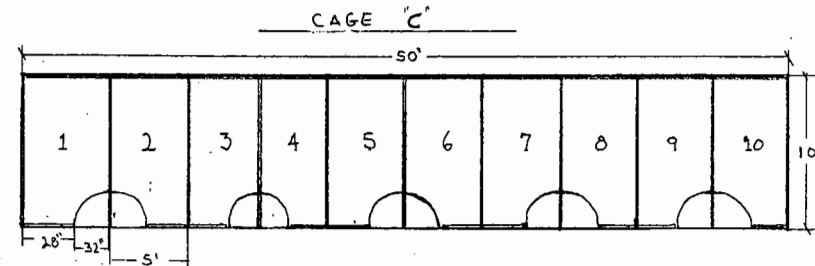
DETAIL OF  
DOGS KENNELS  
1.4' x  
PREPARED BY  
Esmeralda Whittle  
DATE 3-4-05

**RECEIVED**  
2005-63  
MAR 8 2005

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.



Roof to be completed

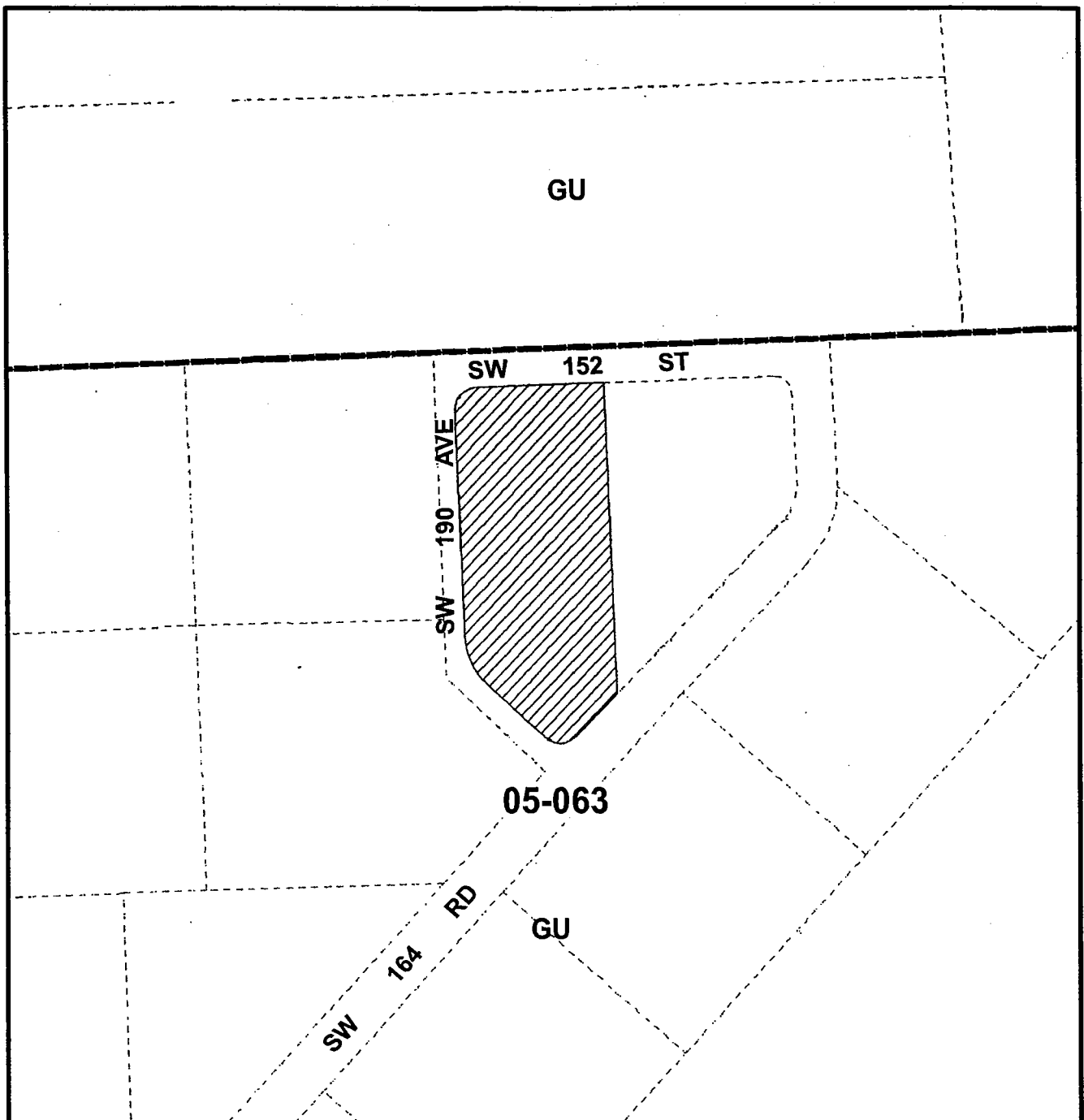


MAY 16 2005  
ZONING HEARINGS SECTION  
VANDERBILT PLANNING AND ZONING DEPT.

- DESCRIPTION:**
- CAGE "A" CONCRETE SLAB WITH 6 BLOCK STRUCTURES COMBINE WITH CHAIN LINK FENCE AND GATES, UNDER STEEL FRAME WITH TARI PAPER, SHINGLES ROOFING.
  - CAGE "B" CONCRETE SLAB WITH GALVANIZED PIPE STRUCTURE SUPPORTING CHAIN LINK FENCING AND CORRUGATED ALUMINUM ROOFING PANELS.
  - CAGE "C" 50'X10' CONCRETE SLAB WITH GALVANIZED PIPE STRUCTURE SUPPORTING CHAIN LINK FENCING AND CORRUGATED ALUMINUM PANELS.

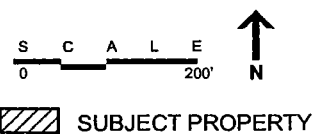
SCALE: 1/8" = 1'  
DATE: 5-3-05

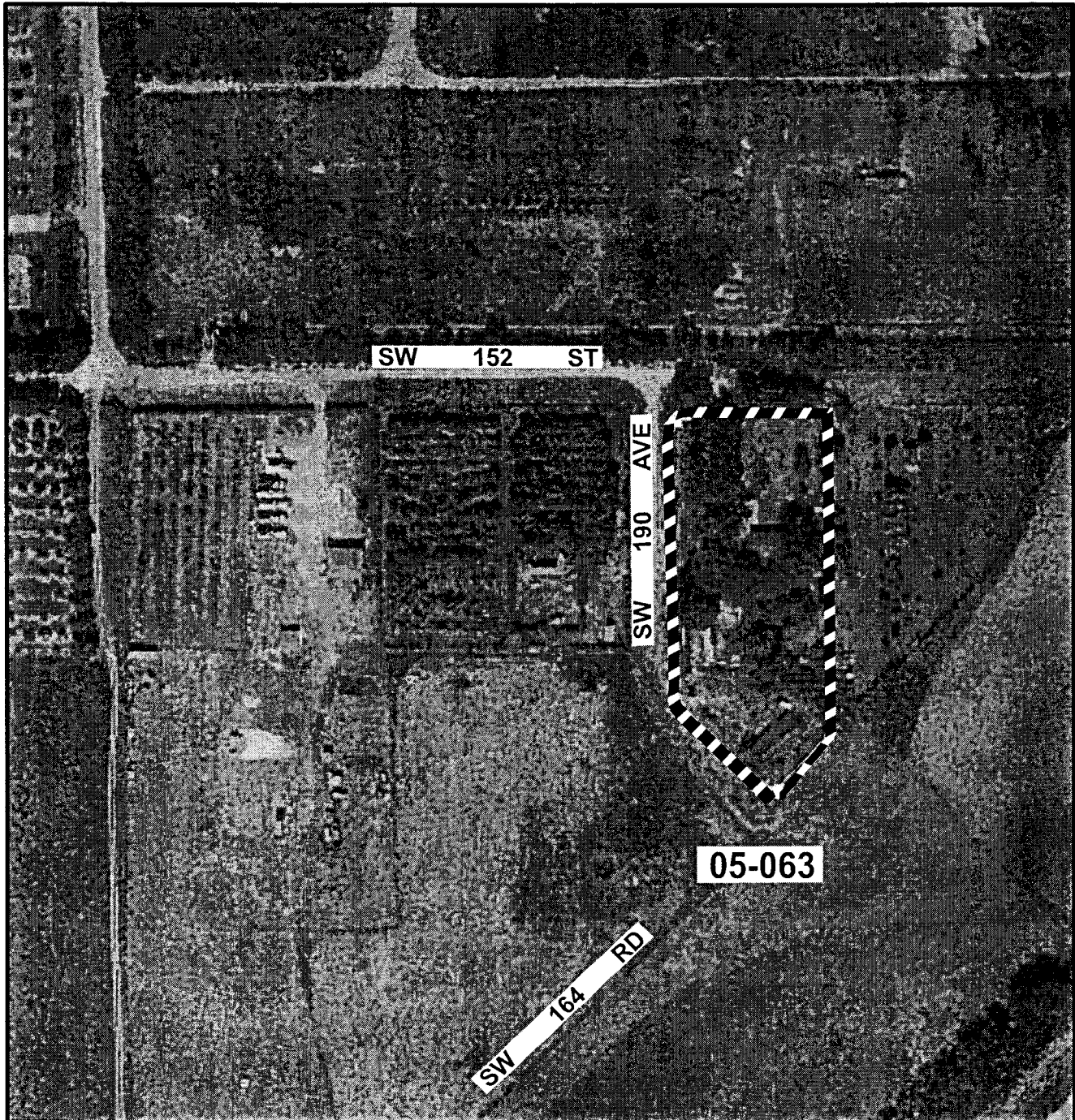
CAGE



**MIAMI-DADE COUNTY  
HEARING MAP**

**Section: 26 Township: 55 Range: 38  
Process Number: 05-063  
Applicant: ESMERALDA WHITTLE / LONDONO  
District Number: 09  
Zoning Board: C14  
Drafter: ALFREDO  
Scale: 1:200'**





MIAMI-DADE COUNTY  
**AERIAL**

Section: 26 Township: 55 Range: 38  
Process Number: 05-063  
Applicant: ESMERALDA WHITTLE / LONDONO  
District Number: 09  
Zoning Board: C14  
Drafter: ALFREDO  
Scale: NTS

S C A L E  
0 NTS N



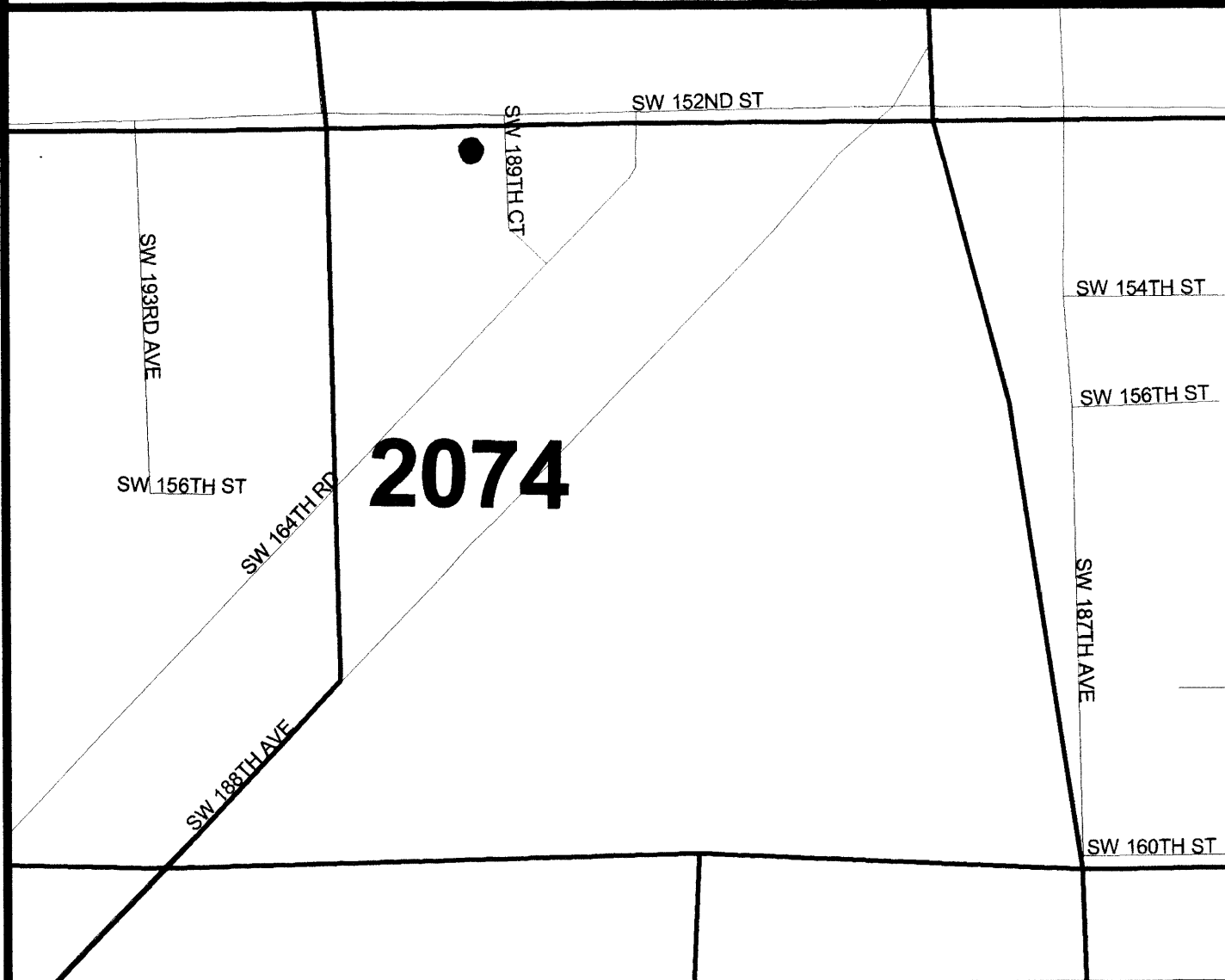
SUBJECT PROPERTY





**Miami-Dade Police Department**  
**Target Area - Police Grid(s): 2074**  
**Esmeralda Whittle/Londono; Hearing # 05-063**

C-14



- Police Grids Boundaries
- Boundary

MDPD Crime Analysis System  
April 7, 2005  
Data in this document represents  
successfully geocoded attributes.

0 0.05 0.1 Miles





Miami-Dade Police Department  
Address Query for Events occurring at 18990 SW 152 St  
For Thru

Miami-Dade Police Department

Crime Information Warehouse

Detail Filter: Dis.Complaint Date >= "2003-03-19" and Dis.Complaint Date < "2005-03-20" and Dis.Police District Code in ( "A", "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", "N", "P", "Q", "R", "ZZ" ) and Dis.Incident Address contains "18990 SW 152 St" and Dis.Reporting Agency Code = substring ( "030", 1, 3 ) and Common and Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" )

Incident Address	Dis	Grid	A O P	Complaint Date	Day of Wk	Call Rcvd Time	Complaint Name	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit	Event Number	Rp Wr YN

0



Miami-Dade Police Department

# **Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2003 and 2004**



Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0175", "0797", "1297", "1528", "1585", "1785", "1851", "2074", "2320", "2416" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

		2003		2004
Grid	Signal Code	Signal Description		
2074	13	SPECIAL INFORMATION/ASSIGNMENT		2
	14	CONDUCT INVESTIGATION		8
	15	MEET AN OFFICER		8
	17	TRAFFIC ACCIDENT		3
	19	TRAFFIC STOP		10
	20	TRAFFIC DETAIL		0
	21	LOST OR STOLEN TAG		0
	22	AUTO THEFT		1
	28	VANDALISM		0
	34	DISTURBANCE		1
	36	MISSING PERSON		1
	39	PRISONER		1
	49	FIRE		1
	52	NARCOTICS INVESTIGATION		2
Total Signals for Grid 2074 :		35		38



**MIAMI-DADE POLICE DEPARTMENT**  
**Zoning Hearing Report Part I and Part II Crimes w/o AOA**  
**For Specific Grids**  
**For 2003 and 2004**



Miami-Dade Police Department

Grid(s): 0, 0175, 0797, 1297, 1528, 1585, 1785, 1851, 2074, 2320, 2416

**2003      2004**

Grid 2074						
Part II						
	350A		NARCOTIC BUY/SELL/POSS/IMPORT/MANUF		0	1
Part II TOTAL					0	1
Grid 2074 TOTAL					0	1

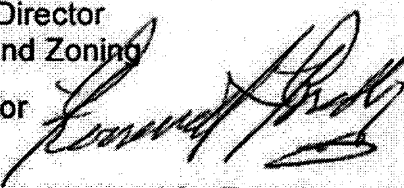


# Memorandum



**Date:** September 30, 2005

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Roosevelt Bradley, Director  
Miami-Dade Transit 

**Subject:** FY-06 Blanket Concurrency Approval for Transit

---

This memo serves as a blanket authorization for the Department of Planning and Zoning to continue to approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County Line. Please ask your staff to continue to signal any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT Staff.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period of October 1, 2005 to September 30, 2006, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.

**Cc:** Albert Hernandez, Deputy Director  
MDT Planning and Engineering  
Mario G. Garcia, Chief  
MDT Systems Planning Division  
Helen A. Brown, Concurrency Administrator  
Department of Planning and Zoning

# Memorandum



**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

## 2004 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space				Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres				
1	332,396	29,396	361,792	994.92	1,044.49	491.02	85.32	1,620.83	625.91	1.629	
2	520,177	23,003	543,180	1,493.75	1,476.12	461.33	139.79	2,077.24	583.49	1.390	
3	141,699	38,253	179,952	494.86	578.93	177.20	6.90	763.03	268.17	1.541	
TOT:	994,272	90,652	1,084,924	2,983.53	3,099.54	1,129.55	232.01	4,461.10	1,477.57	1.520	

# Memorandum



**Date:** January 18, 2005

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Roosevelt Bradley, Director  
Miami-Dade Transit

A handwritten signature in black ink, appearing to read "Roosevelt Bradley", written over the printed name.

**Subject:** FY05 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County line. Please, ask your staff to continue to signal any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT staff.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2004 to September 30, 2005, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

cc: George Navarrete  
Mario G. Garcia

✓ l. Brown

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** December 2, 2004

**To:** Dianne O'Quinn-Williams, Director  
Department of Planning and Zoning

**From:** Vivian Donnell Rodriguez, Director  
Park and Recreation Department *gmd*

**Subject:** Update for Blanket Concurrency Approval

RECEIVED

DEC 14 2004

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

This memorandum updates the blanket concurrency approval memo of September 18, 2003. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2005. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File



## MEMORANDUM

*Original to Helen Prodan  
cy to Al Jones*

TO: Diane O'Quinn Williams  
Director  
Department of Planning and Zoning

DATE: September 12, 2003  
SUBJECT: Solid Waste Disposal  
Concurrency Determination

FROM: Andrew Wilfork  
Director  
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager  
Victoria Garland, Acting Deputy Director, DSWM  
Vicente Castro, Assistant Director for Technical Services, DSWM  
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM  
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED  
SEP 18 2003

ZONING SERVICES DIVISION  
COUNTY OF MIAMI-DADE  
DEPT. OF PLANNING & ZONING  
BY

Department of Solid Waste Management (DSWM)

Solid Waste Facility Capacity Analysis

Fiscal Year 2002-2003

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE Garbage	NORTH DADE Trash	WMI Garbage & Trash		
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
RESOURCES RECOVERY		GARBAGE	TRASH	TIRES	TOTAL										
* TOTAL @ 1.84M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)										
			270,000		270,000 (RTI)										
** TOTAL @ 1.72M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)										
			270,000		270,000 (RTI)										
*** TOTAL @ 1.71M		853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)										
			270,000		270,000 (RTI)										
TOTAL WASTE STREAM PERCENTAGES @1.84 MILLIONS TONS															
GARBAGE 54.3%		997,000													
TRASH 44.4%		816,000													
SPECIAL (includes Tires) 1.3%		24,000													
TOTAL		1,837,000													

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	188,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

\* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

\*\* South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.



## 2004 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
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Department of Solid Waste Management (DSWM)

Solid Waste Facility Capacity Analysis

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RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL
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** TOTAL @ 1.72M	853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)
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2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	478,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	0
2017	0	0	0	0
2018	0	0	0	0

Total Remaining Years

0

12

6

\* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

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## MEMORANDUM

*Original to Helen Proun  
cy to Al Jones*

TO: Diane O'Quinn Williams  
Director  
Department of Planning and Zoning

FROM: Andrew Wilfork  
Director  
Department of Solid Waste Management

DATE: September 12, 2003

SUBJECT: Solid Waste Disposal  
Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager  
Victoria Garland, Acting Deputy Director, DSWM  
Vicente Castro, Assistant Director for Technical Services, DSWM  
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM  
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

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ZONING SERVICES DIVISION, DADE COUNTY  
DEPT. OF PLANNING & ZONING

BY \_\_\_\_\_

✓ *H. Brown*  
**Memorandum**

**MIAMI-DADE  
COUNTY**

**Date:** December 2, 2004

**To:** Dianne O'Quinn-Williams, Director  
Department of Planning and Zoning

**From:** *[Signature]* Vivian Donnell Rodriguez, Director  
Park and Recreation Department

**Subject:** Update for Blanket Concurrency Approval

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**MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING**

This memorandum updates the blanket concurrency approval memo of September 18, 2003. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2005. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD